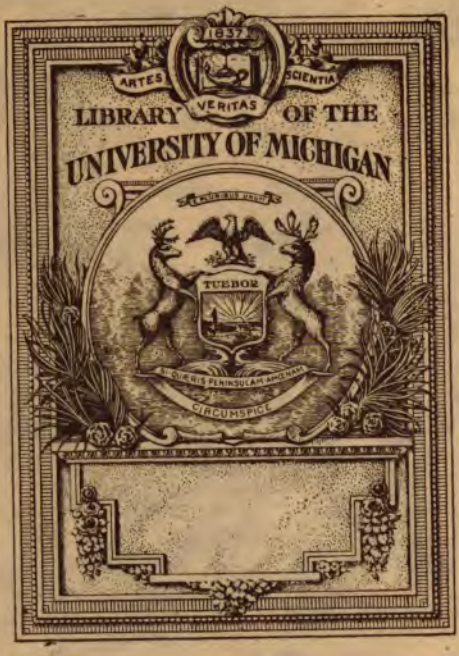
Belmont. Abolition of the Secrecy of Party Funds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THE ABOLITION OF THE SECRECY OF PARTY FUNDS

THE
ORIGIN OF THE MOVEMENT
ITS PURPOSE AND EFFECT

BY

PERRY BELMONT

PRESENTED BY MR. HITCHCOCK

APRIL 8, 1912.—Ordered to be printed

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ABOLITION OF THE SECRECY OF PARTY FUNDS.[1]

THE ORIGIN OF THE MOVEMENT—ITS PURPOSE AND EFFECT.

INTRODUCTION.

The ultimate purpose and aim of the movement for campaign publicity has been since its inception, in the opinion of the writer, the abolition of secret party funds during elections or at any other time and the publicity of all contributions and expenditures for any political purposes. This of necessity involves the exposure, discontinuance, and dissolution of the alliance between tariff monopolies or other trust combinations and the Republican Party. From the following brief account of the work accomplished it is apparent that distinct progress has been made, but that much more remains to be done. The results now attainable should be secured, owing to the great development of public opinion in which the Publicity Law Association has been an important factor. To have inserted in the bills in which this subject was first presented every purpose the organization had in view as its ultimate object would have been to attempt more than was expedient at the time.

Commencing as a nonpartisan movement, the enactment of a Federal campaign-publicity law became, on account of the hostile attitude of the Republican Party represented in the Senate and House in the last three Congresses and in its national convention of 1908, an achievement of the Democratic Party. After more than six years of persistent effort the Democrats finally forced the measure through Congress.

From its inception the movement received the effective support of the representatives of the labor organizations of the country. The development of public opinion upon this subject had been so great as to affect the insurgent or progressive members of the Republican Party, who gave the measure their assistance in its final stages.

It was not until the Democratic Party obtained control of the House of Representatives that a satisfactory publicity bill was passed, and even then it was dangerously near defeat till the very end, its Republican enemies proposing amendments known to be objectionable to a large number of Democrats who, however, preferred to accept them rather than prevent the enactment of the law.

The law was enacted August 14, 1911, marking the most progressive step taken in the United States or in any country toward the abolition of secret party funds to influence nominations or elections or to promote interests affected by or dependent upon political power.

[1] This pamphlet is issued by me not as president of the Publicity Law Association, but in my individual capacity and as a Democrat.—PERRY BELMONT.

There is no greater menace to representative government than the secret use of money, which interferes with the free expression of the will of the people at the polls. The increasing number of questions to be decided by popular vote, whether through the referendum, direct primaries, or other devices, multiplies the opportunities of political expenditures and increases their tendency to become larger. The further development and application of the publicity principle becomes the more necessary for the preservation of representative government, and it rests with the Democratic Party to complete the work so well begun.

CHAPTER I.

A REVOLUTION.

It has often been said, with apparent justification, that only a revolution could bring the Democratic Party into power. Whether or not this extreme view is correct, the fact remains that the Democratic Party was not placed in full control of the executive and legislative branches of the Federal Government, from the presidential election of 1856 until 1892, the election preceding the second Cleveland administration, when the country repudiated the McKinley bill, and Democratic majorities were elected to the Senate and the House. The Republican Senate had blocked all attempts to deal with tariff monopolies or to reduce customhouse taxation during the whole of Mr. Cleveland's first administration.

Although here and there an extremist might have spoken or written, at no time had the Democratic Party declared itself for free trade, and it has invariably accepted the protective system, as an existing fact, to be dealt with accordingly. When the high wall of protection, being continually made higher and, at times, a veritable Tower of Babel, tottered in the blasts of popular indignation, each industry speaking for itself in the confusion and conflict of clashing interests, even at such a moment the Democratic Party, returning to power in the lower House of Congress, did not raise its hand in destruction. The remedial measures it proposed were for reduction and regulation, for the preservation of our industries, for the expansion of trade, and the extension of our commercial interests and influence in the markets of the world.

ALLIANCE OF THE TRUSTS AND THEIR POLITICAL BENEFICIARIES STRONGLY INTRENCHED.

The old constitutional party of Democracy, in power during nearly all of the first half of the nineteenth century, had, later, as a party of opposition, deserved well of the country for its patriotic moderation. Nevertheless, upon the field of national politics, it has found its opponents and their allied interests powerfully intrenched in their control of the Federal Government. Democratic presidential candidates and national platforms, even when strongest before the country, were unable to overcome the combination created by the high-tariff monopolies and their political beneficiaries. In 1884, when it succeeded in the election of a Democratic President and a Democratic House, the Senate remained Republican. In

1892, when the Executive, Senate, and House became Democratic, that situation continued for but two years, and even then the Senate was unable to carry out the policy of the Democratic House and President. In 1896 it was widely divided, although the program of the radical wing of the party, including its currency proposition, the chief cause of the division, was largely an expression of a revolt against conditions then existing in the party system of the country, in so far as they appeared affected by financial influences.

The long and firmly established alliance between the dominating political influences and privileged interests had so increased the magnitude of the trusts and so enormously developed their power as to require enforcement of existing legislation and the enactment of new laws for their regulation. New problems of great difficulty were thus presented to the country. During the process of their solution the Democratic Party, faithful to traditions of popular government, often paved the way which the party in power afterwards adopted for its own course.

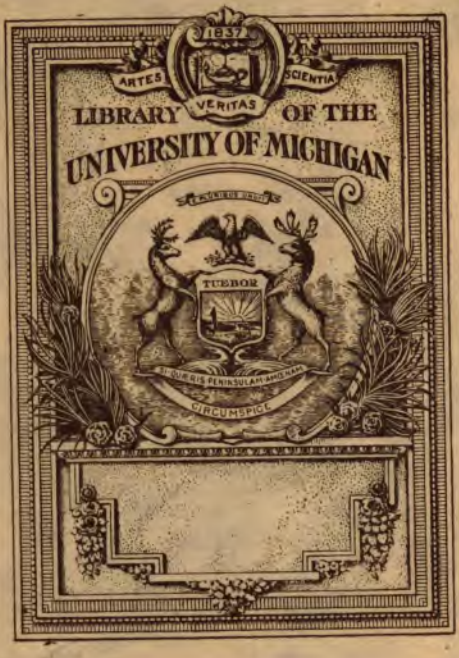
DEMOCRATIC INITIATIVE.

The National Democracy in Congress, as a minority party, on several occasions forced upon the majority measures in accord with popular demands and public sentiment. There is no more remarkable instance of Democratic initiative than the enactment of the national campaign publicity law for the abolition of secret party funds, which was brought about by the vigorous action and persistence of Democrats in the House and Senate. The statement of this fact can not be avoided in an accurate history of the movement, although every effort to maintain its nonpartisan character was made by its promoters during the seven years that legislation was energetically sought from Congress.

No member of the National Publicity Law Organization has done more for its successful advocacy of publicity legislation than ex-Senator William E. Chandler, of New Hampshire. There are other Republicans, some in official life, who gave it effective support. Among them, Representative McCall, of Massachusetts, who introduced the publicity bill advocated by the National Publicity Law Association, and urged its passage during three Congresses. But the Republican Party itself, as an organization, was either apathetic or else indirectly and effectively blocked it, as in the Fifty-ninth and Sixtieth Congresses, or even directly, as at the Chicago convention of 1908, opposed it, in proportion as its leaders understood or appreciated the far-reaching principles involved in such legislation.

PURPOSE OF PUBLICITY LEGISLATION, THE RESTORATION OF POPULAR REPRESENTATIVE GOVERNMENT.

The originators and promoters of the movement, many of whom have been in the public service, or in National or State party organizations, would not have persistently continued to devote themselves, during so many years of effort to such an undertaking, were not its purpose and effect to create a complete change in the relation of the great corporate interests of the country to its political institutions and party organizations, a relation that had remained prac-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If ever our diplomatic service should be placed on a permanent basis, the present difficulties of the appointing power should disappear. The according of "honors," in the limited sense of the word referred to, should no longer be a cause of embarrassment or dissatisfaction. Certain of Mr. Belloc's conclusions in regard to England's present political system are therefore only partially applicable to the conditions which, fortunately, do not now exist or are rapidly disappearing in our country.

It is preferable to endeavor to suppose that the features of English party politics, which he describes, are not as bad as he, with evident sincerity, believes them to be; but he must be considered as speaking with the authority of personal knowledge and experience, after a membership of five years in the House of Commons, when he says:

It is characteristic that the most important fact about English politics is the fact that nobody mentions. The two party organizations of which we have spoken are supported by means of two huge war chests. Money is urgently needed at every point in the modern political game, and money is found.

Whence does that money come? Whither does it go? These are questions which can not be answered with any certainty; this is our whole case, that they can not be so answered. The party funds are secretly subscribed; they are secretly disbursed. No light is thrown upon their collection save that which the annual honors' list furnishes. No light is thrown upon their expenditure save that which the division list may supply. But, briefly, it may be said that they are subscribed by rich men who want some advantage, financial or social, from the Government, and that they are spent in paying the expenses of members of Parliament.

The total amount so raised and spent must necessarily be a matter of conjecture. But there is no doubt that it must be enormous. Anyone who has had the good fortune to fight an election with the party organization at his back knows that he has only to ask and to have. As a matter of fact, there will never be any lack of funds for any party so long as each has its fair share of power and patronage and the supply of peerages and baronetcies is unchecked. The funds are expended exactly as the secret-service funds of Walpole were expended—in buying votes. The affair is more delicately arranged than it was in Walpole's time. Instead of paying members of Parliament, after they are elected, to vote in accordance with the wishes of the Government, care is taken that no one shall be elected a member of Parliament who is not prepared so to vote. This is certainly more decent—probably cheaper. * * * The effect of paying a man's election expenses out of a secret fund at the disposal of the party organizers is that the member becomes responsible not to his constituents but to the caucus which pays him.

But what must especially be insisted on is this, that the very existence of this powerful engine for the corruption of parliamentary representation is carefully kept secret from the mass of the people. Not one man in thirty knows that there are such things as party funds; not one man in a hundred has the faintest idea of how they are raised and spent; not one man in a thousand realizes that they are almost the most important factor in English politics. A deliberate reserve is observed on both sides concerning the whole subject.

The ordinary method of replenishing the party funds is by the sale of peerages, baronetcies, knighthoods, and other honors in return for subscriptions. This traffic is notorious; everyone acquainted in the smallest degree with the inside of politics knows that there is a market for peerages. * * * He could put his finger upon the very names of the men who have bought their honors. Yet the ordinary man is either ignorant of the truth or only darkly suspects it.

Many rich men subscribe secretly to the party funds in order to get a measure of control over the machine which governs the country * * * but often more simply to promote their commercial interests.

It is no secret that titles are often purchased by contributions to the party funds. Mr. Belloc goes so far as to say that the usual price of a peerage is a very large sum, which he mentions as well

known to the party managers. The statement would be difficult to verify, but there is no doubt that such "honors," as they are called, are rendered purchasable by the absence of a publicity law, such as we now have in the United States. These and more pointed criticisms might be cited as evidences that public opinion in England may before many years have passed insist upon the adoption of publicity legislation following the lines of that already enacted in the United States.

THE REDISTRIBUTION OF WEALTH, THE DOMINATING INFLUENCE UPON OUR PARTY SYSTEM, RESULTING FROM THE CIVIL WAR.

When, shortly after the presidential election of 1892, the tariff policy of the Democratic Party as formulated in the Wilson bill was defeated by the action of those Democratic Senators who considered it their duty to their respective States, whose manufacturing interests might have been adversely affected, to oppose the Democratic President and the Democratic majority in the House in their joint effort to carry out their interpretation of the will of the country, a degree of justification was given to the claim that since the inauguration of President Lincoln in 1861 and the Civil War the party system of the United States has been, with scarcely an intermission, under the control of the Republican Party and its affiliated interests.

The long continuance in authority of one political party is, of course, harmful; although in any other country but our own such an unduly prolonged lease of power would have been far more injurious. To recognize this fact is but justice to the Republican Party and to the great men who have risen from its ranks to serve their country.

The preservation of the Union, a glory shared in common by the American people, and the abolition of slavery, prompted by the highest motives of humanity, are not to be considered mere partisan achievements, nor have they ever been claimed as such, excepting by a perversion of the facts of history through the narrowest view of partisan politics. Even political results of the Civil War, such as are expressed in the fourteenth and fifteenth articles of the Constitution, generally known as the fourteenth and fifteenth amendments, are by common consent virtually ignored. There is no better illustration of this unprecedented and unconcealed indifference in regard to two important provisions of the Constitution than the recent election to the Senate of a governor of Mississippi who proclaims himself in favor of the repeal of those two amendments. One of the most influential members of the Georgia delegation in the House of Representatives takes the same ground. Not that there is the slightest probability that a movement for the repeal would be successful, but that public men advocating such a proposition survive politically proves how little heed is given to the constitutional amendments declaring that the right to vote shall not be denied or abridged on account of race, color, or previous condition of servitude.

It was expected that the enfranchisement, following immediately upon the emancipation from slavery, would prevent the return of the Democratic Party to power by giving to the Republican Party an assured control over the votes of the reconstructed States. That hav-

ing never taken place, what has served as a substitute—a stumbling block to the Democratic Party, the chief reliance of their opponents? The events standing in the way of the consummation of a reconstructed and Republican South were accompanied in the Northern States by gigantic strides of industrial growth, ending in the alliance between the protected interests and the Republican Party.

The enormous increase in political expenditures was correspondingly rapid. The amount subscribed to Mr. Lincoln's campaign was about $100,000. It is notorious that in the presidential campaign of 1904 a single contribution to the Republican fund was more than double that amount. Under the system then prevailing the necessities of campaign managers and the latitude permitted to corporation managers were practically boundless. The enforcement of publicity is already reducing these enormous amounts within reasonable proportions.

THE EFFECT OF THE CIVIL WAR UPON OUR POLITICAL SYSTEM.

The foregoing considerations lead up to the question: What, then, was the permanent, most direct, and dominating influence resulting from the Civil War upon the party system of the United States? And the answer is that it was the inevitable redistribution of wealth brought about by conditions following the reestablishment of the Union. That distribution has ever since been fostered by its chief political and financial beneficiaries through the instrumentality of an excessively high protective tariff and maintained by privileges of Government favor and by the exercise of political power. The country now realizes the necessity for the restoration of a financial equilibrium and industrial peace, which even the present administration, in compliance with public sentiment, is forced to recognize as imperative. The Attorney General considered himself justified in using the following language in the Government petition to dissolve the Steel Trust:

> Through the directors' distribution the corporation is in direct touch with all the large railroads and steamship companies of the United States—such powerful concerns as the Standard Oil Co., the Pullman Co., the International Harvester Co., and with an overwhelming majority in money and power of the banks and trust companies of the United States. The possibility of the power and control that may thus be exerted over trade and commerce is inestimable. The power and control that has been exerted by the corporation, largely through the grasp of its tentacles thus thrown out upon the consumer, competitors, and capital, are incompatible with the healthy commercial life of the Nation.

Nothing could be added to such an arraignment to make it more effective for its purpose as a legal document; but it could well be broadened into a more comprehensive statement of existing conditions by the addition of a few words to the last two sentences. "The possibility of the power and control that may thus be exerted over trade and commerce and over political organizations and party policies is inestimable." And the last sentence might read: "The power and control that has been exerted by the corporation, largely through the grasp of its tentacles thus thrown out upon the consumer, competitors, and capital, are incompatible with the healthy commercial and political life of the Nation."

THE REVOLUTION EFFECTED.

Mr. Balfour, in a speech delivered last October in Edinburgh, declared "that the great business of any government or any party is social reform." This statement will not be gainsaid by Mr. Lloyd George or his colleagues, although statesmen in our country may not generally accept it in its literal sense. It may be that social reform is not in the United States considered such a pressing need as in other countries, but the undercurrents affecting politics here, as elsewhere, undoubtedly have their origin in questions relating to social reform. Everywhere representatives of the most newly acquired wealth can be counted upon to assume the airs of an ancient order in resisting necessary reforms.

The final triumph of publicity legislation has brought about a complete reversal in public opinion in regard to the use of money for political purposes. If, therefore, a revolution was necessary to bring the Democratic Party into full control of the Federal Government, it has undoubtedly taken place.

CHAPTER II.

CAMPAIGN OF 1904.

That there has been, since the presidential campaign of 1904, a complete reversal in public sentiment with regard to secret party funds and the use of money for any political purpose whatever is beyond question. Before and even during that election public opinion in the United States tolerated secret party funds. National and State committees of both political parties had been supplied secretly by contributions from individuals and corporations.

FIRST SUGGESTION FOR NATIONAL AND STATE CAMPAIGN PUBLICITY.

Serving during that campaign as a member of the New York Democratic State committee, the writer received an official communication, in the form of a resolution, from the executive committee of the Democratic county committee of Suffolk County, in which the committee placed itself on record in requesting a certain sum from the State committee for the legitimate expenses of the campaign. The frank and open manner in which this perfectly proper request was made first suggested the idea that all campaign funds and expenditures of the national and congressional committees of both parties should be made public by Federal legislation, and that such publicity be supplemented by similar legislation covering State and local campaign committees.

The subject was brought to the attention of several members of the national Democratic and State committees and the idea made rapid headway among Democrats. The secretary of the Democratic State committee of New York, Mr. John A. Mason, who had occupied that position for 25 years, was one of the first to give it his support, and afterwards assisted in the organization of the National and New York State Publicity Law Associations, and in the drafting of legislation to carry out its purpose. Mr. Urey Woodson, secretary of the

Democratic national committee, also very early took part in promoting the movement.[1] An examination of existing laws was at once undertaken. It was found that in Massachusetts, Kentucky, and a number of other States laws had been enacted requiring political committees to file a list of contributors, statements of the amounts contributed, and an account of their expenditures, thus insuring their publicity, but that the absence of a Federal law on the subject practically nullified such State legislation.[2] The national and congressional committees were left free to collect and expend campaign funds in secret.

In New York candidates for elective offices were required by the law of 1890 to file statements of expenditures, but all such State laws as had been enacted were imperfectly observed and were in reality intended as a part of the corrupt-practices legislation. The New York law was ineffective and inadequate.[3] It did not provide for the publication of expenditures of political committees, and the limited degree of publicity for which it made provision could readily be defeated by candidates employing, as they usually did, a political committee as a medium of campaign disbursement. Candidates were required to make public their expenditures only. No provision was made for the publication of contributions.

A PUBLICITY LAW IS NOT, A CORRUPT-PRACTICES ACT IS, A PENAL STATUTE.

A publicity law undoubtedly assists in the effective operation of the corrupt-practices laws, but is not itself a penal statute; a corrupt-practices act is. Corrupt-practices acts are so termed probably because such laws enacted in our country were modeled upon the Victorian corrupt-practices act of 1883, and may be classified as laws to prevent bribery at elections. In every country in which the ballot exists such laws have been enacted. There is nothing new in such legislation, although modern corrupt-practices acts are, of course, more effective, and present conditions during elections in this country and in England are a great improvement upon the past.

That our Federal publicity law and our supplemental State publicity laws are based upon different principles from those upon which the penal statutes known as corrupt-practices acts are founded is sufficiently made clear by the fact that permanent secret party funds exist in England undisturbed by any form of publicity legislation. The English corrupt-practices acts are drastic and enforced with the greatest severity. Instances occur of violations of the law during parliamentary elections, and seats are declared forfeited on that account, though such violations are often almost trivial. While, therefore, bribery at the time of elections is severely punished and the use of money is strictly limited during elections to certain well-defined purposes, the secret party funds are collected and disbursed with comparative freedom at all other times, in the discretion of party leaders. Parliamentary elections do not occur at fixed periods and may suddenly be thrust upon the country, and therefore great importance is attached to the secret party funds, which have inevita-

[1] See Appendix, p. 70, Report of National Publicity Association, presented to the Senate by Senator Patterson, Jan. 8, 1907.
[2] See Appendix, p. 84, letter of Urey Woodson.
[3] See Appendix, p. 63, Report of New York Publicity Law Association.

bly and enormously increased. Each political party has what is known as its central office, or, as we would call it, a committee, which operates continuously, holding the purse strings under the immediate direction of the party whips and the great party leaders.

It was said when the publicity bills were advocated before the State Legislature of New York and before congressional committees, that a publicity law was not a corrupt practices act, that it was not copied from an English statute, that it was a development arising out of our own political system.

> Conditions here prevailing demand that we each in our own historical experience guidance to determine the way to further effectual progress. The principle at the foundation of American political institutions is essentially that of individualism and self-direction.[1]

That a publicity law is a different form of legislation, based upon another principle, is clear. The distinction was clearly drawn in a letter from Judge Gray, of Delaware, accepting membership in the National Publicity Law Organization. He wrote as follows:

> Corrupt practices acts have been largely unavailing and seemingly incapable of being enforced. Compelled publicity as to contributions and campaign expenses will be more effective than all of them put together toward suppressing the evil of electoral corruption. It will work automatically and require no legal machinery of pains and penalties to enforce it. I mean that, when the publicity is once enforced, the beneficial results flow automatically, without the intervention of penal legislation.

ABOLITION OF SECRECY IN THE USE OF MONEY FOR POLITICAL PURPOSES DURING ELECTIONS OR AT OTHER TIMES.

The principle underlying the Federal publicity law and supplemental State laws, advocated by their originators and promoters, involves the ultimate abolition of secrecy in respect to every use of money for political purposes, during elections or at any other time.

The propoganda among Democrats was actively carried during the campaign of 1904. Ex-Senator Gorman, Senators Bailey and Culberson, ex-Gov. Campbell, Martin W. Littleton, and Benton McMillan, of Tennessee, and other Democratic leaders, who were engaged in addressing large audiences at campaign meetings, were consulted in regard to this movement and gave it their approval. Some of these speakers referred to the well-established practice of the presidents and directors of the great insurance companies, and other corporations, of contributing secretly and in their discretion to the party funds of both or either of the political parties large sums belonging to the corporations. What might, therefore, be considered, in reality, the property of the policyholders and stockholders in these institutions, was continually being secretly diverted from its legitimate channels to political purposes, not only against their will, but without their knowledge, and employed in order to defeat their own candidates, should their political opinions not accord with those of the managers of the corporations.

This practice, though dangerously leading to corruption because of its secrecy, its lack of accountability, and the ever-increasing amounts involved, was not necessarily dishonorable, either from the point of view of the managers of political campaigns or of the di-

[1] See Appendix, p. 50, North American Review.

rectors of the corporations. To fight fire with fire, was the reason appealing to the former, in both parties, and the ground taken by the managers of the corporations was, that such contributions were made in order to protect the property of the shareholders and policy-holders from legislative onslaughts. The amounts required having outgrown all reasonable proportions, those members of the political and corporate organizations who had knowledge and experience of conditions that had become intolerable, and that were threatening and encouraging widespread corruption, were the first to welcome a remedy.

CONTRIBUTIONS OF INSURANCE COMPANIES WITHOUT KNOWLEDGE OR CONSENT OF POLICY HOLDERS.

On October 28, 1904, John A. McCall, president of the New York Life Insurance Co., was asked by the president of the New York Publicity Law Association his opinion of the proposition to secure legislation requiring the publication of all contributions made to political committees and to prohibit all corporations from subscribing to party funds. He at once warmly approved of the idea in a most positive manner and became a member of the association, adding words which had a pathetic significance when he was subject to violent public criticism not many months after. He said: "If you knew what I had to do you would be sorry for me." He referred to the constant demands made on him, as president of that great financial institution, by both parties.

LEGISLATIVE INSURANCE INVESTIGATION DIRECT RESULT OF CAMPAIGN-PUBLICITY AGITATION.

When, in July, 1905, as a direct result of the agitation for publicity of the funds of political committees, and the arousing of the public sentiment in regard to the secret contributions by corporations, the Legislature of the State of New York instituted the investigation of such contributions made by insurance companies and of the general management of such corporations, as shown in the following press dispatch:[1]

ALBANY, *July 20, 1905.*

There is to be a legislative investigation of the Equitable and other life insurance companies. Gov. Higgins and the legislature so decided to-day. After declaring daily for weeks that he did not believe the developments in the insurance scandal warranted action by the legislature at the special session, Gov. Higgins to-day completely reversed himself by sending to the legislature a strong measure suggesting the advisability of the legislature appointing a joint committee to make a thorough examination of the operations of the life insurance companies doing business in the State, to prepare and recommend to the next regular session such action as may be deemed proper to restore public confidence, and to compel life insurance companies to conduct a safe, honest, and open business for the benefit of their policy holders, etc.

Public opinion had reached a state of exasperation. Mr. McCall and others holding similar positions in corporations suffered cruelly and unjustly. Such is often the result of a sudden or rapid change in public sentiment. What had been tolerated and to a certain extent approved was now condemned in unmeasured terms.

[1] Extract from the New York Times of Friday, July 21, 1905.

Not all who were consulted on the subject at the outset gave their adherence to the movement. An instance may be recalled. The head of an important banking institution, a Democrat, a man of the highest character, whose public spirit was greatly appreciated, and whose death a few years ago was mourned as a loss to the community, did not, when the proposed law was first brought to his notice, give it his approval. Though he eventually became a member of the publicity law organization he was, in the beginning, disinclined to joint it because of a belief, long entertained, that secrecy was essential to the efficacy of contributions intended to counteract what he considered "unsound subversive and socialistic policies." He modified his views sufficiently to aid the movement as tending to protect corporations from unreasonable demands of party managers and also as rendering the operation of corrupt practices laws more effective. He was not altogether reconciled to the far-reaching effects of the abolition of secrecy, which were desired and expected by the advocates of publicity legislation, who continued to press it upon the attention of both parties.

ISSUE CREATED AFTER ADOPTION OF PLATFORM.

The issue having been joined in the heat of a presidential campaign, or, as Judge Parker said in one of his speeches, "the issue having been created after the platform had been adopted," it was inevitable that motives should be questioned. The Democratic campaign speakers insisted that the Republican national committee had received secret contributions from corporations.

The effect of the issue itself within the Democratic National and State committees and upon Democratic leaders was made clear by the emphatic refusal on the part of the committees to accept any contributions from corporations. The Democratic presidential candidate had requested the campaign committees not to receive, directly or indirectly, any money from any trust for campaign or other purposes, and they informed him that his wishes had been complied with.

The policy of the Republican Party in the defense of an excessively high rate of protection obviously invited the attack made by the Democrats, who charged that the trusts and protected interests expected continued favors in return for secret contributions. A more authoritative and convincing demonstration of the results of excessive protection and of the enormously increased importance of the trust combinations in their influence upon the economic life of the country could hardly be found than that contained in the testimony of the personal observation of a man twice elected President. Mr. Cleveland, in the course of a speech delivered at Newark, November 4, 1904, said:

> I ought not to fatigue your intelligence by detailing further facts showing that the protective policy which the Republican Party noisily defends in the pending campaign not only has something to do with trusts, but that, by its natural results, it is the parent and accessory of the robbing marauders who vex and afflict our people's life and demand tribute in every home of our land.
>
> You can not wonder that I am startled by the difference between present conditions and those that prevailed when I visited Newark in 1884. Then the people were not in the fetters of trusts and combinations. I come again after 20 years. The rate of tariff taxation has increased by one-fourth, the expenditures of the Government have more than doubled, and hundreds of industrial

trusts and combinations, the vicious progeny of extreme tariff protection, openly or stealthily search the pockets of our people.

Mr. Root and Mr. Knox defended the President and the Republican organization upon the ground that both parties had been in the habit of receiving contributions from corporations. Ignoring the statements made by Democratic speakers to the contrary, so far as the pending campaign was concerned, the Republican leaders asserted that the Democratic Party organization was also accepting such contributions. They did not deny that such contributions had been received by the Republican campaign committees, National and State, but they repudiated the charge that there were any undertakings or promises on account of subscriptions from corporate interests.

The well-established alliance between the Republican organization and the protected interests and trusts, essential to the supremacy of the former and of vital importance to the latter in the enjoyment of their privileges, would make such agreements or understandings superfluous. That alliance had long remained intact, but the giant strides of the trust combinations, which had reached the culminating point of their political power during the Republican administration then in office, made it absolutely necessary that their political beneficiaries should shield themselves and the Republican Party organization from the consequences, already perceived, of the receding wave of popular support. The antitrust law, bearing the name of a great Republican leader from President McKinley's own State, had not been enforced by the administration of his successor, then in office. The alliance, if not to be broken, must be concealed. It was obvious that a situation had been created in which no candidate for the Presidency who was supposed to favor the trusts could be elected.

MR. ROOSEVELT'S COUNSELORS ORGANIZERS OF TRUSTS.

The Republican presidential candidate must therefore be, or be understood to be, an opponent of the trusts. Mr. Roosevelt's attitude upon the subject, as interpreted by his declarations, indicated a decided opposition to them. But, to the surprise of former supporters, his choice of organizers of trusts as counselors, the construction of his Cabinet, and especially his chief political sponsors in national affairs and in the politics of the State of New York, gave reasonable assurance that his opposition to the trusts was more apparent than real, of which the Tennessee Coal & Iron incident was later sufficient evidence. His classification into "good trusts," to be upheld, and "bad trusts," to be condemned, was, and continues to serve as, an ingenious political device, which could only impress the more unintelligent optimists—those whose invariable inclination to avoid a critical attitude leads them to accept without question the declaration of good intentions on the part of politicians if such self-laudatory announcements are made with sufficient impressiveness. The literary optimist, even though not unintelligent, is the most easily deceived by politicians of that class.

MR. ROOSEVELT'S DUAL RELATION A POLITICAL ASSET OF THE TRUSTS.

The dual relation to the trusts held by him at that time throws a powerful light on his present environment, his friendly attitude

toward what is generally described as Wall Street and its apparent change of front in its support of him. There are certain pillars of the financial system who have always supported him as governor and President, knowing that they could count upon him with more certainty and advantage than upon any other politician in public life. They stand as his sponsors to-day against the present Executive. They would welcome his restoration to the Executive office. His widely advertised declaration in behalf of popular currents of opinion is a valuable political asset and a vote-securing device, which has never been accompanied by any injury on account of action hostile to the interests that have always aided him in a political crisis. Nor has he failed them in any crisis by which they in turn have been affected. There have been occasions when apprehension, created by threatened action and loudly proclaimed antitrust sentiments, has caused intense irritation, but a better understanding of their interests has guided the trusts in their renewed dependence upon him for ultimate protection.

Judge Harmon, formerly Attorney General in Mr. Cleveland's Cabinet, now governor of Ohio, for the second time elected to that office, in a speech at Milwaukee, October 27, 1904, threw the clearest possible light on the attitude of the Republican candidate in that campaign toward the trusts, a dual attitude that remained characteristic of his subsequent course during his term of office, and of which he has given fresh proof since his retirement. Not once during his continuance in office did he exert the least influence in favor of tariff reduction.

Said Gov. Harmon:

> Mr. Roosevelt admits that trusts and combinations injure the people and ought to be suppressed. The only sure way is to reduce the tariff taxes, which have produced most of them. He does not favor that course. If Mr. Roosevelt has changed his mind and now thinks that after all trusts and combinations are good things, one of the modern methods of progress; that the idea of competition is one of the notions we have outgrown; or that the burdens imposed upon the people should be borne rather than reduce the tariff on trust products, then he should be frank enough to say so and advise the repeal of the antitrust law.
>
> As long as those taxes remain so high as effectually to prevent competition from the outside, or the fear of it, overproduction will go on in one form or another. Home competition will be stifled. The guilty parties will rely on evasions, technicalities, and administrations made friendly, or at least not hurtfully hostile, by liberal campaign contributions.

CHARGE MADE BY THE DEMOCRATIC CANDIDATE.

Judge Parker, the Democratic presidential candidate, in a speech delivered in the State of New York October 24, 1904, said:

> A corporation will subscribe to a political party only because the corporation expects that party, through its control of public offices, executive or legislative, to do something for the benefit of that corporation or to refrain from doing something to its injury. The relations thus established mean the expectation, if not agreement actual or implied, that governmental action is to be influenced by and for the corporation interests. No sophistry can give any other aspect to the transaction in the minds of reasonable men.

In a speech October 28, Mr. Parker said:

> Shall the creations of government, many of which pursue illegal methods, control our elections, control them by moneys belonging to their stockholders,

moneys not given in the open and charged upon the books as moneys paid for political purposes, but hidden by false bookkeeping?

Why is it that the prices of things we must have are continually raised from time to time? It is in part because of their production being largely in the control of combinations and trusts, which are enabled to shut out competition and thus dictate prices arbitrarily.

At Newark, N. J., November 1, Mr. Parker again challenged the President and the chairman of the Republican national committee to deny that the trusts had contributed to the Republican campaign fund. He charged that—

The trust combinations have decided to attempt to continue the present administration in power, levying upon the assets of stockholders for contributions to enable them secretly to contribute to Republican campaign committees. Shall the partnership between the Republican leaders and the trusts continue with profit to both? The trusts are furnishing the money with which they hope to control the election. I am sorry to be obliged to say it. If it were not true I would not say it to gain the Presidency. But it is true, and that being so it became my duty to warn the people of it.

This I did in an address to the people October 24, more than a week ago. What happened? The President summoned Senator Knox. From that consultation Mr. Knox emerged to give an interview which he said the President approved. It was not sparing, to say the least, in its criticisms of myself. He did not, however, meet the charge. He did not deny it. He could not, nor could the party to the consultation.

Last Friday, in a public address, I called attention to the fact that it had not been met and could not be met. Promptly it was given out that Mr. Cortelyou would make answer to the charge. And then it was almost as promptly denied that he had any such purpose. Mr. Cortelyou was the chairman of the Republican national committee, the one-time private secretary to the President, later a member of the Cabinet and head of the Bureau of Commerce and Labor, and as such having the right to obtain the secrets of the so-called trusts, secrets which, under the statute, may not go beyond the President, if he so desires.

These grave charges can not be met anonymously. There are only two persons who can interest the people on this subject. If they have anything to say the people would like to have it said promptly. Weeks have passed since the charges were made covering fully this most vital question before the people. There has been plenty of time to answer these questions, but they have not and will not be answered.

Mr. Parker renewed the attack in a speech at Carnegie Hall in the city of New York. Again on November 2, at Hartford, Conn., he repeated the charge that the trusts were furnishing the Republican campaign funds, and spoke of the legislation born of the union between the trusts and the Republican Party.

In reply Senator Lodge, in a speech at Mineola, Long Island, declared that Mr. Roosevelt would go into the Presidency without pledges; that even if any pledge could bind the President, Mr. Cortelyou was the last man in the world to make the pledge.

For the sake of the argument this may be admitted as true, but the statement did not meet the issue.

In this connection, and in view of the very recent Sheldon-Roosevelt incident, it is interesting to recall the statement made by Mr. Sheldon, treasurer of the Republican committee in the presidential campaign of 1908. The New World of December 5, 1908, in an editorial article quoted the following words of a speech delivered at the Republican Club dinner:

George R. Sheldon's speech was the highest tribute yet paid to campaign publicity. The treasurer of the Republican national committee said: "I think the list of contributors filed at Albany showed 13,947 names, but there were many others who came along too late to be itemized. If there had been two

weeks more we could have returned the contribution of every big subscriber if we had desired. For the first time a President will go into office under obligation to no man."

Mr. Sheldon probably did not intend a reflection on Mr. Taft's predecessor, but the inference is obvious.

The issue previously presented to the country by several Democratic leaders had been made effective and with great directness by Judge Parker in his speech of the 24th of October, and on the 26th a member of the Cabinet, speaking for the President in an interview given to the press, found nothing better to say than this:

I can not believe that Judge Parker made such attacks of his own initiative; I am rather inclined to think they are dictated by men immediately behind his campaign.

It was not till the closing hours of the contest (the election taking place on Tuesday, November 8), on Friday, November 4, that Mr. Roosevelt replied in a signed statement published the following day. As Judge Parker pointed out, in his answer to the President made immediately after the appearance of the signed statement, the only sentence in that statement which approached the issue was the following:

That contributions have been made to the Republican committee as contributions have been made to the Democratic committee is not the question at issue. Mr. Parker's assertion is in effect that such contributions have been made for improper motives, either in consequence of the act or in consequence of improper promises, direct or indirect, on the part of the recipients.

Mr. Roosevelt assumed that contributions from corporations had been made to the Democratic committee because they had been in former campaigns, but he was entirely mistaken in such an assumption in reference to the campaign then closing, nor should he, in fairness, have deliberately disregarded the public and authoritative affirmation repeatedly made that the Democratic committees had refused to receive any such contributions.

Mr. Roosevelt declared that Mr. Parker's assertions were "monstrous," he denied that the trusts had contributed to his campaign for the purpose of purchasing immunity, and that he was "unhampered by any pledge." He denounced the charges as "slanderous accusations" in regard to Mr. Cortelyou and himself and as "unqualifiedly and atrociously false." The reply was framed in a violence of language which frequently served him on occasions when not desiring to meet questions at issue.

CLOSE ALLIANCE RENDERED PROMISES UNNECESSARY.

It was not necessary to question the motives of the Republican leaders or of the contributors. The alliance between them having so long continued undisturbed, such reflections only tended to confuse the issue. Judge Parker presented the matter very clearly in his final speech of the campaign delivered at the Kings County Club, Brooklyn, November 5, 1904, when he expressed his surprise at the failure of Mr. Roosevelt to reply to his first suggestion, which contained no criticism of the President.

Mr. Parker continued:

If he had said after consultation with Senator Knox the day after the delivery of my address, "Yes; I never thought of it before, but Parker is right.

Why should a trust take money out of its treasury, money belonging to the stockholders, consisting of women and children, as well as men of both parties, unless its purpose is to get something in return, something which its officers regard as more than an equivalent for the moneys taken out of the treasury? He is right, and I am going to stop it. Perhaps the national committee can not pay back moneys contributed in this way, but there shall be no more such contributions. I will join Parker in an honest effort to protect the ballots of the honest citizen from the merchandise ballot."

If he had said that, it would have sounded like the Roosevelt we have known; and if he had followed it by acts in execution of his words, it would have had far less consequence to the people which one of us should be elected than it now has. But he did not do it. He shut his eyes to what was going on, and since that time there have been frequent meetings of the trust managers, and the money has been pouring in all the more freely and all the more plentifully because of the attitude taken by me, and which it is true I have enforced from day to day.

The Republican candidate denies only that definite immunity from prosecution has been promised for the pecuniary assistance of the trusts and corporations. Mr. Root frankly admits that trusts and corporations have been heavy contributors. If there had been no trust contributions, the Republican candidate could easily have said so. He did not say so. He has waited till the closing hours of the campaign to make the pretense of an answer. But it is not an answer. It is a confession, with a plea in avoidance, addressed to a kindly and generous people.

The charge is that vast sums of money have been contributed for the control of this election in aid of the administration by corporations and trusts. The President's argument and position seemed to justify trust contributions, and the inference he would have the public draw from his utterance is, of course, that contributions have been made by the trusts to the Democratic national committee. At this time, therefore, I am justified in making a statement which I had not intended to make. I requested the Democratic campaign managers not to receive, directly or indirectly, from any trust money for campaign purposes. I notified them that I proposed, if elected, to enter upon the discharge of the duties of that great office unhampered by any obligation to interests or to individuals.

Senator Gorman, speaking at a public meeting in Baltimore on November 6,.1904, said:

There is not a single corporation that is not supporting Mr. Roosevelt. This has been a sudden conversion I must admit. What has brought it about? Ask any of them privately. Why did one of the owners of the Union Pacific Railroad and one of the partners in the Northern Securities Co., which was dissolved by the courts, become sponsors for Mr. Roosevelt? There is but one answer. It is the power of the administration which, by an act of Congress, has the authority to examine the accounts of these corporations. The President says that he and Mr. Cortelyou would be covered with infamy if they made promises to these corporations. The President evidently believed Mr. Cortelyou; but ask Mr. Cortelyou, Mr. Bliss, the treasurer of the Republican campaign, if they did not call a meeting in a Wall Street office four weeks ago. Ask them if Mr. —— was not there. Ask them if Mr. —— was not there. Was not the president of the Rock Island Railroad there? Was not Mr. —— there? After hearing Mr. Root say that the President was not as strenuous as he used to be, that if elected President business interests would not be interfered with, they resolved to finance the Republican campaign. Did Mr. Cortelyou promise anything? No. No promise was necessary. Open your campaign books and let the public see who contributed your funds. The Democrats will open theirs and show who has contributed every dollar.

The names of those present, mentioned by Senator Gorman, are not now stated, as it is not necessary to do so. Their perfect right to decide whether or not to support, by any legitimate means, either political party is unquestionable. In such an instance the secrecy of the contributions is alone the objectionable feature. If a man's private affairs are such that he does not desire publicity of his contribution, then the party managers must rest content to do without it.

Publicity best determines its propriety. The two concluding sentences of Mr. Gorman's speech indicate in a remarkable manner the rapid progress already made among the Democratic leaders by the movement for publicity of campaign funds. Mr. Gorman had long been a member of the Democratic national committee. The suggestion made by him had, therefore, additional weight. It foreshadowed the action of the Democratic national committee in 1908, which published all contributions and expenditures at frequent intervals during that campaign, though the proposed law requiring such publication had not yet been enacted. Mr. Bryan, then the Democratic presidential candidate, expressed the desire that this should be done.

The day before the presidential election of 1904 the following statement was published in the New York Herald of November 7, 1904:

Perry Belmont, acting chairman of the Democratic State committee, said:
"Judge Parker has rendered a great service to the country in forcing this issue upon the attention of the people. The President has not denied that contributions from corporations have been made to the Republican campaign funds. As pointed out by Judge Parker, such contributions are in fact the contributions of the stockholders, made without their knowledge or consent, and therefore in violation of law. Judge Parker declares that in the event of his election he will employ every power that legally and constitutionally belongs to the great office of President to check this evil. We have no such promise from Mr. Roosevelt. The election of Judge Parker would therefore be the better way to apply the remedy to what is now generally conceded to be a menace to democratic institutions."

Had the issue been made early in the campaign, with clearness and emphasis, a great accession of strength would certainly have resulted for the Democratic cause and might have materially affected the verdict at the polls. The result of the election, in regard to what toward the end of the campaign had become its chief issue, was inconclusive. Publicity of contributions was not referred to by the Republican leaders. Their speeches so framed the issue that the minds of the voters were intent upon the question whether corrupt agreements had been made, on account of the corporations' contributions, and whether a Republican administration would be hampered thereby. The people stood ready to punish, by defeat, any candidate supposed to be placed under obligations on account of such contributions. Mr. Knox, Mr. Root, Senator Lodge, and other Republican campaign speakers were, it may be admitted, partially correct, when they denied that any such formal agreements or promises existed, though that was not the issue. Mr. Root especially appeared to speak with authority. His personal attitude on the subject of corrupt practices laws had been demonstrated by the leading part taken by him in the constitutional convention held in the State of New York in 1894, when the importance of legislation to improve the conditions then existing was recognized. Extracts from his speeches at that convention were quoted in the North American Review article, already referred to in order to strengthen the nonpartisan character of the article, in its advocacy of publicity legislation. It was somewhat disappointing that, notwithstanding the clearness with which his opinions had been expressed at that time, he now refrained from discussing the real issue, which was: That secret contributions had been made to the Republican national committee by the trusts and corporations, and that, in contrast to those transac-

tions, the Democratic national committee had, at the request of the Democratic presidential candidate himself, refused to accept such contributions. In addition, Senator Gorman and other influential Democrats had proposed the publication of campaign contributions. The charge that the Republicans had received corporation contributions was not refuted, the subject was avoided, and the suggestion in regard to publication was ignored.

Public sentiment had not then been sufficiently aroused to declare itself in regard to the abolition of secret party funds. They continued to be tolerated, although their magnitude, which was known to have enormously increased, was often the subject of disapproval. It is therefore that, in the main, the line of defense taken by the Republican leaders against accusations as to the motives controlling them in relation to their campaign funds was adopted for the purposes of the campaign. They never met the issue made by Judge Parker, though late in the campaign, and their reply was not characterized by the frankness which a fair discussion of the subject demanded. For that reason the issue outlived the campaign.

STILL A LIVING ISSUE—MR. ROOSEVELT'S LATEST EXPLANATION.

The most recent explanation of Mr. Roosevelt and his defenders is less conclusive than anything previously advanced by them. Suddenly and without the slightest provocation or occasion for it, on the 20th of December, 1911, Mr. Roosevelt and Mr. Sheldon, treasurer of the Republican national committee in the campaign of 1908, proceeded to publish their reasons for claiming that the much-discussed contribution of the late Mr. Harriman was made solely for the purpose of affecting the election for governor in the State of New York in 1904. This is not an answer to the general charge made by the Democratic leaders in 1904 that the Republican national committee had received contributions from corporations at that time. It was a special plea in a distinction drawn by him and Mr. Sheldon between State and national elections, and is in direct conflict with the decision of the Supreme Court in the Seibold case, in which the rule of law upon the subject is laid down, declaring that national and State elections held at the same time constitute one election. The court used the following language:

> It is a misleading refinement to say that there are two elections, a national and a State, held at the same time. It is one election, for the conduct of which the two sovereignties have a common concern, though interested in several results. Once concede that an indictment for bribery, in order to be good under the Federal statute, must charge of attempt to affect the congressional election, and the speedy result will be not less bribery in respect to that election, but more likely a large increase, contrived and conducted in such way as to prevent proof of the real purpose by pretenses of different purpose.

In other words, the Harriman contribution, whether made for the purpose of electing Mr. Higgins governor or Mr. Roosevelt President, was a contribution to the same election. Under the decision referred to it would be no defense in the case of an alleged violation of the law in respect to the use of money in the election for President to claim that the money had been received for the purpose of electing the governor of a State.

The Supreme Court also used the following words:

> To say that the want of an intention on the part of persons who are alleged to have acted in violation of those laws excuses them, because they did not intend to violate their provisions as to all the persons voted for at such an election, although they might have intended to affect the result as regards some of them, is manifestly contrary to common sense and is not supported by any sound authority.

For the same reason it is manifestly contrary to common sense to regard Mr. Roosevelt's latest explanation as an answer to the charge made in 1904.

The issue has been kept alive during two Republican administrations, until Congress was finally compelled to act, on Democratic initiative and in compliance to public sentiment.

MOTIVES NOT QUESTIONED BY PUBLICITY ASSOCIATION.

At no time during the many years that the Publicity Law Association urged legislation upon Congress have its representatives questioned the motives of Republican leaders or Republican political organizations so far as to charge that any actual promises or formal agreements existed on account of secret contributions. Fidelity to excessively high protection and stubborn disinclination to reduce the tariff, even when known to confer special privileges, have given to the Republican national organization and to the trusts all the mutual benefits that could be gained by a formal alliance. It was known to the contributors of secret funds that their interest would be cared for by the Republican Party.

The former standards by which such an alliance and its effect upon a presidential contest were regarded still largely prevailed in 1904. Shortly after, a law was enacted prohibiting corporations from contributing funds for political purposes. Under Democratic inspiration, in the election of 1908, national campaign funds were, in the absence of a law requiring it, for the first time made public during a presidential election. Now, at last, owing to a complete reversal of public sentiment upon the subject, a new standard has been established, in the form of a Federal law requiring the abolition of secrecy in respect to party funds, before and after elections. By this standard all subscriptions for political purposes are held to be intended for public purposes, their propriety to be subjected to the test of publicity.

After the close of the presidential contest of 1904 the issue was kept before the public continually. The encouragement given by the great metropolitan newspapers, and the press of the country in general, greatly assisted the organizers of the movement in carrying on the propaganda. Even then the majority were slow to believe it possible that the publication of campaign funds could be secured, or that legislation could be so framed as to cover the national and congressional campaign committees. Many were of the opinion that, if it were possible to frame a bill for that purpose, there was little probability of its passage through Congress. Others thought that, in the event of its enactment, such legislation would not be effective, owning to the probable evasion of its provisions, that the secrecy of contributions to political committees would be maintained with little difficulty; and that the political managers and the managers of cor-

porations would combine to find a way to avoid publicity, notwithstanding the requirements of the proposed legislation.

NORTH AMERICAN REVIEW ARTICLE.

An article was prepared in which the subject was treated at some length, the principle underlying the legislation to be secured was discussed, and the form and outline of such legislation was suggested. At this early period of the movement there was great doubt as to whether such an article would be acceptable, or whether it would commend itself to the judgment of the editors of any of our great reviews. It was, therefore, with some hesitation that the writer consulted Col. Harvey, of the North American Review, who at once decided upon publishing it and expressed his confidence that it would meet with a responsive reception. This decision was founded upon a firm conviction entertained by him that the American people were controlled by ideals; that below the surface of materialism so much in evidence there exists a tendency toward ideals which, when appealed to, influences the country with the greatest power. The fact that the Review had agreed to publish the article was, at that time, of the utmost importance to those engaged in the endeavor to secure publicity legislation.

Public interest in the participation of corporations and trusts in politics had been maintained and continued unabated after the election, owing to the fact that stockholders and policy holders had at last been awakened to a realization of the indefensible manner in which their assets had been levied upon for political contributions. But it was not surprising that for a brief period immediately after the excitement of the contest for the Presidency, interest in remedial legislation should somewhat diminish. The election of the candidate, who, even though his denial be accepted, nevertheless represented the unbroken alliance between the high tariff trust combinations and his party, brought discouragement to some who at first had been inclined to favor the plans of the advocates of a Federal and supplemental State campaign publicity laws. During the conflict they had welcomed with enthusiasm the more far-reaching purposes of the proposed legislation, but now began to look upon the suggested publicity laws as merely a creditable effort in further development of existing corrupt-practices laws, having little prospect of securing practical results. Under such circumstances, and at such a moment, the assurance that the Review was about to publish the article was of incalculable service and gave a fresh impulse to the agitation, which was continued with new life and energy.

MR. BRYAN'S POWERFUL AID.

Although it did not appear till the February number of the Review, it was in the proof brought to the attention of many Democratic leaders. Mr. Bryan was among the first to whom it was shown. It received his approval, and the endeavor to secure the publicity of campaign funds and expenditures has ever since had his constant, unfailing, and effective support. His speeches at frequent meetings of the National Publicity Law Association in Washington and in the city of New York gave to its work the inspiration of his

eloquence, and his attendance at hearings before the congressional committee having the publicity bill in charge, lent his powerful influence to secure the desired legislation. The cooperation of Norman E. Mack, the New York member of the Democratic national committee, and its chairman in the campaign of 1908, was also an important factor at this early period of the undertaking, and throughout its various stages Mr. Mack has been a strong influence in bringing about its final success. As chairman of the Democratic national committee, he is entitled to the greatest credit for having, though no Federal statute then required it, inaugurated a radical departure from the secrecy formerly observed in regard to campaign funds by the publication, day by day during the campaign, of the amount of each contribution and the name of every subscriber. Every dollar subscribed was thus made public. The total amount was $620,644, and the number of contributors was 105,000.[1]

DEMOCRATS IN CONGRESS.

The names of the Democrats in Congress who have aided campaign-publicity legislation would complete the roll of Senators and Members of the House in the Fifty-ninth, Sixtieth, Sixty-first, and Sixty-second Congresses. Among the active leaders of the movement in the Senate were Senator Bailey, of Texas, who introduced the bill in that body in the Sixty-first Congress; Senator Patterson, of Colorado, who introduced it in the Fifty-ninth; Senators Tillman, of South Carolina; Culberson, of Texas; Johnston, of Alabama; Kern, of Indiana; Williams, of Mississippi; Rayner, of Maryland; Swanson, of Virginia; Stone of Missouri; Frazier, of Tennessee; Bacon, of Georgia; Reed, of Missouri; Owen, of Oklahoma; Gore, of Oklahoma; Paynter, of Kentucky.

Among those in the House were Representatives Champ Clark, of Missouri; John Sharp Williams, of Mississippi; Oscar W. Underwood, of Alabama; Henry D. Clayton, of Alabama; William W. Rucker, of Missouri; William Sulzer, of New York; Thomas W. Hardwick, of Georgia; Oscar W. Gillespie, of Texas; Ollie James, of Kentucky; James T. Lloyd, of Missouri; Gilbert M. Hitchcock, of Nebraska; Rufus Hardy, of Texas; Michael F. Conry, of New York; Robert Turnbull, of Virginia; Andrew J. Peters, of Massachusetts; William A. Cullop, of Indiana; Henry D. Flood, of Virginia; William C. Adamson, of Georgia; Courtney W. Hamlin, of Missouri; Augustus O. Stanley, of Kentucky; William G. Brantley, of Georgia; Charles L. Bartlett, of Georgia; Francis Rives Lassiter, of Virginia; Robert L. Henry, of Texas; Albert S. Burleson, of Texas; John J. Fitzgerald, of New York; Martin W. Littleton, of New York; Henry George, jr., of New York; Henry M. Goldfogle, of New York; Henry T. Rainey, of Illinois; Claude Kitchin, of North Carolina; William Richardson, of Alabama; William Hughes, of New Jersey; Samuel J. Tribble, of Georgia; John H. Stephens, of Texas; Charles F. Booher, of Missouri; J. Thomas Heflin, of Alabama; John L. Burnett, of Alabama; George F. Burgess, of Texas.

[1] See Appendix, p. 87, Democratic national committee receipts and expenditures, 1908.

ORGANIZATION OF NATIONAL AND STATE PUBLICITY LAW ORGANIZATIONS.

An organization was formed to secure the enactment of a publicity law by the Legislature of the State of New York. Its membership was nonpartisan, including men of all shades of political opinion. Representatives of labor organizations gave effective strength to the movement by joining the association and their determined support of the publicity bill at Albany was of the greatest weight in bringing about its final passage after two years of effort.[1]

A similar organization was formed to secure Federal legislation. Its membership included the two former Democratic candidates for the Presidency—Mr. Cleveland and Mr. Bryan—Republican and Democratic governors of States, Senators and Representatives in Congress of both parties, presidents of universities and colleges, representative members of labor organizations, and men whose relation to public affairs was generally recognized as influential.[2] Meetings of the organizations were held in Washington, Albany, and New York, the members appearing before both the State legislature and Congress in advocacy of publicity measures introduced at the instance of the organizations, and doing everything in their power to keep up the agitation by interviews, letters, speeches, and all legitimate means that could be employed.

Chapter III.

FIFTY-NINTH CONGRESS AND THE ALBANY LEGISLATURE—MR. ROOSEVELT INDIFFERENT TO THE CAMPAIGN-PUBLICITY MOVEMENT.

The continued agitation of the subject during and after the presidential campaign was such that Mr. Roosevelt did not ignore it in his first message to Congress. In order to emphasize the nonpartisan character of the movement, his reference to campaign-fund publicity was included in the article referred to. Another reason for quoting the words of the message was a supposition that possibly Mr. Roosevelt would, after so positive an official declaration in favor of publicity legislation, give it such aid as might very properly come from the Executive, and which, in fact, was given by his successor. Mr. Roosevelt, as Chief Executive, occupied a dual relation to this question as he did to the allied subjects of the tariff and the trusts, declaring in its favor at the outset, but had he once during the whole period of his administration given the movement the slightest assistance it would have come to the knowledge of the legislative committee of the Publicity Law Organization residing at the National Capital. During his administration the Republican organization in both Houses of Congress resisted it and prevented by direct and indirect methods the passage of the proposed law, while the Democratic minority resorted to every means known to parliamentary tactics, even to the extent of filibustering in the House of Representatives for a long period, in the endeavor to rivet public attention upon the situation of the bill and to compel action on the part of the majority.

[1] See Appendix, p. 63, Report of the New York State Publicity Law Association.
[2] See Appendix, p. 70, Report of the National Publicity Bill Association.

INTRODUCTION OF THE FIRST FEDERAL CAMPAIGN-PUBLICITY BILL.

Upon the assembling of the new Congress, Representative McCall, of Massachusetts, a Republican of strong convictions and liberal views, at the request of the National Publicity Law Association, undertook the task of introducing and advocating the publicity bill prepared by its law committee. Mr. McCall had long been identified with corrupt-practices legislation, having, in 1889, introduced in the legislature of his own State a bill which formed the basis of the first statute in this country, enacted in Massachusetts in 1892, modeled upon the Victorian act of 1838. He introduced the first Federal campaign-publicity bill January 12, 1906. Senator Patterson, of Colorado, a Democrat, who warmly approved the proposed legislation in the two influential newspapers under his control, introduced the bill in the Senate January 15, 1906.

ESSENTIAL FEATURES OF THE PUBLICITY BILL.[1]

The bill had been carefully framed by the law committee of the publicity association, composed of the following members: Charles A. Gardiner, chairman; Judge John F. Dillon, Edward M. Shepard, Comptroller Edward M. Grou, ex-Gov. Frank S. Black, Martin W. Littleton, John G. Milburn, John S. Crosby, Francis Lynde Stetson, Edward Mitchell, John Ford, John R. Dos Passos, Edward Lauterbach, De Lancey Nicoll, S. Osgood Nichols, and of which the president of the association was ex officio also a member. The committee met frequently at the law office of Judge Dillon, who took the chief part in the drafting of the bill. It was foreseen that Congress would not be inclined to enact legislation which would invade the jurisdiction of the States. Members from the Southern States were expected to be especially opposed to any proposed Federal law which might appear to be in the nature of a regulation of any State electoral machinery. The publicity association itself was in entire accord with such a view. It was thought that Congress could be induced to pass a bill requiring publicity of its own campaign committee, which, though not appointed through the action of Congress itself, are selected by Members of both parties in the House of Representatives and are engaged in collecting funds to be employed in congressional elections. The bill was drafted upon that principle, and it outlined in this particular the features of the legislation finally adopted.

The first Federal publicity bill enacted was passed June 25, 1910, after six years of effort on the part of its advocates in and out of Congress. A Democratic House was elected in that year. At the extra session of Congress, in the month of August, 1911, an amendment, which had been proposed in the previous Congress, was adopted to include publicity before election, and a further provision was added to require publicity of contributions and expenditures at primary elections. The act is entitled "An act providing for the publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," and by its terms is confined to a requirement of the publication of contributions made to congressional campaign committees and to expenditures

[1] See Appendix, p. 70, Report of National Publicity Bill Association to the Senate.

made by such committees both before and after election. The purpose of the legislation being to also cover what are known as the national committees, the enactment of the law in its present form is considered sufficient. By the decision of the Supreme Court in the Seibold case, cited in the North American Review article,[1] to which reference has frequently been made, a national and a State election held at the same time constitute one election. That decision extends the operation of the law covering political committees, operating in two or more States, for the election of Members of Congress, which are in the nature of national elections, with equal force to political committees operating in two or more States for the election of presidential electors, which are in the nature of State elections, the office of presidential elector being a State office.

The bill known as the McCall bill, which was introduced in three Congresses, and the substitute bills reported from the Committee on Election of President, Vice President, and Representatives in Congress, from which the publicity bill, as it finally passed, was reported, are uniform in this particular; that they in their terms apply to political committees operating in two or more States, and to the congressional campaign committees. In theory and in fact the law as enacted requires publication on the part of national and congressional committees alike.

One important feature of the law was not suggested by the publicity organization or by any member of it, and that is the requirement of publication before election as well as after. Although it was approved by the association, the credit for originating this amendment to the measure belongs to Representative Rucker of Missouri, who suggested it during the Sixtieth Congress. The principle and the form of the legislation now in force are identical with those outlined in the Review article,[1] to which reference has been made. The fact that the law as finally enacted vindicates the theory of the legislation therein proposed, with the exception just mentioned, adds interest to the apparently unnecessary and prolonged delays, created by the majority party in Congress, before action could be obtained upon the proposed measure.

Shortly after the introduction of the McCall bill, a meeting of the National Publicity Law Association was held in Washington, January 5, 1905.[2]

An address was prepared, which was published throughout the country, in which the association declared its purpose was to secure Federal legislation, to be supplemented by State legislation, and that such legislation should be as far as possible uniform.

ADDRESS TO THE PUBLIC.

NATIONAL PUBLICITY BILL ORGANIZATION,
Washington, D. C., January 27, 1906.[3]

For the purpose of eliminating by all appropriate methods the evils resulting from secret contributions and expenditures of large sums of money in elections, a meeting was held in the city of Washington January 17, 1906, an association was formed known as the National Publicity Bill Organization, and this address was authorized:

[1] See Appendix, p. 50. S. Doc. No. 89.
[2] See Appendix, p. 73. First meeting of National Publicity Law Association.

"The secret and corrupt use of money in the election of the Chief Magistrate of a nation, its legislators, and its State and municipal officers is a dangerous menace to the institutions of a free people. The profligate use of money for such purposes enables the consolidated interests, by secret contributions, to dominate political organizations, depriving the many of their political rights to confer them on the few.

"It is confidently asserted that the first and most important measure of relief is the passage of a national law, requiring the disclosure, under oath, of every contribution of money and every promise of money in national campaigns, and in case of evasion, providing for exposure, detention, and punishment, substantially as set forth in a bill prepared under the auspices of this organization.

"This organization desires to promote the formation of similar organizations in every State of the Union, in order that the proposed national law may be supplemented by State legislation of like character and as nearly uniform as possible. This movement has the support of leading representative men of the political parties and of organized labor. It concerns the rights and honor of every citizen, and the approval and active cooperation of all are earnestly invoked to carry this reform to a successful conclusion.

"PERRY BELMONT,
"*Of New York, President.*
"FRANK K. FOSTER,
"*Of Massachusetts, Secretary.*"

PERMANENT ORGANIZATION.

President: Perry Belmont, of New York.
Secretary: Frank Foster, of Massachusetts.
Executive committee: Perry Belmont, of New York; William E. Chandler, of New Hampshire; J. G. Schurman, of New York; James H. Wilson, of Delaware; A. H. Stevenson, of Colorado; Norman E. Mack, of New York; John E. Lamb, of Indiana; Charles S. Hamlin, of Massachusetts; John H. Clarke, of Ohio; Charles W. Knapp, of Missouri; Alexander Troup, of Connecticut; W. R. Nelson, of Missouri; Cromwell Gibbons, of Florida; John W. Blodgett, of Michigan; Frank K. Foster, of Massachusetts, delegate for the American Federation of Labor to the British Trade Union Congress; James H. Lynch, of Indiana, president of the International Typographical Union; James Wilson, of Pennsylvania, president Pattern Makers' National League.
Law committee: Charles A. Gardiner, of New York; John T. McGraw, of West Virginia; John M. Thurston; Louis E. McComas, of Maryland; Crammond Kennedy, of Washington; Hannis Taylor, of Alabama.

It was decided that members of the association should appear before committees of the House and Senate in advocacy of the publicity bill.

Although the minority members of the House committee and Democrats generally from the outset expressed their satisfaction with the principle of the bill, there was, however, a good deal of hesitation on the part of members from the Southern States in both Houses to favor legislation which might eventually open the door to Federal control or regulation of State elections. It was pointed out by the advocates of the bill that a law confining itself to a requirement merely of publication of campaign funds and expenditures would not in the remotest degree tend to regulate elections, State or national, that the penalty attached for a violation of the proposed statute was a fine of $1,000, such violation being a misdemeanor, and that the proposed law was not a penal statute. It was then objected that such a law would hardly be effective. The friends of the measure replied that the enforcement of the proposed law depended upon the degree of public sentiment demanding such publications, and that if a Federal publicity law existed the press of the country would insist upon its right to be fully informed of all contributions received by political committees and of all expenditures made by them. Ex-

Senator Chandler strongly impressed those Democratic members who felt some hesitation in regard to a possible Federal interference in State elections, by describing himself as a State Rights Republican, and, speaking for the publicity organization, acquiesced in the opinions already expressed by its members, that it was opposed to the enactment of a Federal publicity law that might be intended to require publicity from State or local committees.

HEARINGS HELD BY THE COMMITTEE ON ELECTION OF PRESIDENT, VICE PRESIDENT, AND REPRESENTATIVES IN CONGRESS.[1]

The greatest difficulty was found, during a long period, in securing a report from the committee. Nothing could be accomplished in that direction till the second session of that Congress, and then only by such an energetic attitude on the part of the minority members that the press of the country represented it as being almost belligerent. A favorable report was finally secured, but the bill remained on the calendar, and Congress adjourned (1906) without taking any action on the subject. The enactment of a publicity bill in the State of New York and an aroused public sentiment gradually becoming more insistent did not have the effect of overcoming the obstinate resistence of the Republican Party organization in Congress. The publicity law organization, through interviews and letters, and in arguments before the Committee on Election of President, Vice President, and Representatives in Congress, called attention to the fact that the congressional elections were approaching and that the necessity of a Federal publicity law, covering the congressional campaign committees, was obvious. The Republican Party managers in Congress particularly resented the disposition of a small number of their party associates to favor campaign publicity, regarding such support as a betrayal of party interests and a surrender of an important political advantage, long enjoyed by the Republican Party. They believed that the established and secret sources from which their party and campaign funds were continually replenished would be cut off by publicity.

The publicity law which had just been enacted in the State of New York, requiring publicity on the part of State and local committees of campaign funds and expenditures, would, as the association pointed out, be nullified in the absence of a supplemental Federal law to cover the congressional campaign committee in the election about to take place. A letter was addressed by the president of the Publicity Law Association to Representative Griggs, of Georgia, chairman of the Democratic congressional campaign committee, who replied that he and his committee favored the passage of a publicity law and would gladly publish all campaign funds and expenditures of his committee. A similar letter was addressed to Mr. Sherman, the present Vice President, then a member of the Committee on Rules in the House of Representatives. Mr. Sherman did not reply. His secretary answered that he was indisposed and would reply later, a form of indisposition, however, from which Mr. Sherman never recovered. The attitude of Mr. Sherman in regard to the secret funds of congressional campaign committees was evidenced by his course

[1] See Appendix, p. 85.

throughout the Fifty-ninth Congress, and especially in the Sixtieth, to which reference will be made hereafter.[1] The contrast between the Democratic and Republican attitude had already grown very marked and continued during the congressional campaign.

LABOR ORGANIZATIONS EFFECTIVELY ASSISTED MOVEMENT.

In that election the campaign committee of the American Federation of Labor made public the contributions to that organization and its expenditures, giving effect to the position taken by its president, Mr. Samuel Gompers, at the outset of the movement.

During the two years that the measure had been urged upon the Fifty-ninth Congress the Publicity Law Organization of the State of New York had been occupied in actively promoting legislation in that State.

The New York State publicity bill was introduced in the assembly by Assemblyman Palmer, a Democrat, and in the State senate by Senator Brackett, a Republican. The bill received the active support of national and New York labor organizations.[2]

A public hearing was accorded the bill by the judiciary committee of the assembly January 30, 1906.

The bill was enacted into law in the closing hours of the legislature of 1906. The legislative investigation of the great insurance companies had no doubt a controlling influence upon public opinion in the State of New York, and opposition was encountered chiefly from the least progressive members of the Republican Party organization. Gov. Hughes, who had been leading counsel for the prosecution of the insurance investigation, and who, upon his record before the legislative committee of investigation, was nominated as candidate for governor and elected, was a member of the New York State Publicity Law Organization. The fact that he favored such legislation greatly assisted the efforts of the association.

Gov. Dix has strongly favored this form of legislation. In his message to the legislature of 1912 he took an advanced position by his recommendation to strengthen the existing New York publicity law through the enactment of a provision requiring publication before as well as after election. It is most important that such an amendment be adopted in order that the State and Federal laws be uniform. Their effectiveness depends large upon their being so framed as to supplement each other.

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[1] See p. 35.

[2] OFFICE OF THE CENTRAL FEDERATED UNION,
New York, March 27, 1905.

To whom it may concern, greeting:

At the regular session of the Central Federated Union held Sunday, March 26, 1905, the following resolution was unanimously adopted and a copy ordered transmitted to you. We expect and desire your support for this measure.

Very truly,

ERNEST BOHM, *Corresponding Secretary.*

[Seal New York Central Federated Union.]

Whereas the workingmen, who comprise the vast majority of the electors of this Republic and are most interested in securing the untrammeled exercise of the elective franchise and in preserving the purity of the ballot box;

Whereas the receipt of tribute from corporations and candidates by political organizations would be reduced to a minimum if full publicity were given to expenditures by national and State committees: Therefore

Resolved, That the Central Federated Union hereby indorses assembly bill No. 950, which provides for publicity in election expenditures, and we request the members of the Legislature of the State of New York to give this nonpartisan measure their unqualified support.

CHAPTER IV.

SIXTIETH CONGRESS AND CAMPAIGN OF 1908.

Upon the assembling of the Sixtieth Congress, Representative McCall again introduced the publicity bill and the Publicity Law Association repeated its efforts of the previous Congress with energy and persistence. Hearings before the committee were again asked for and secured. Early during the first session of that Congress, December, 1907, the Democratic national committee met in Washington, in view of the approaching presidential campaign. Ordinarily the meeting of the national committee under such circumstances confines itself to the question of the selection of the place for holding the nominating convention. In this instance an unusual departure from the ordinary procedure occurred. A resolution was adopted commending the work of the National Publicity Law Association and pledging the Democratic Party, as far as the national committee could do so, to a declaration in favor of campaign publicity.

[From the minutes of the meeting of the Democratic national committee at Washington, D. C., December 12, 1907.]

Resolved, That the Democratic national committee approves the movement now under way to insure the publicity in the States as well as in the Nation of all contributions of money or other things of value to and of expenditures made by any person, association, committee or other organization for political purposes.

Resolved, That the thanks of the committee and of the Democratic Party, so far as the committee can tender them, be extended to the Hon. Perry Belmont, of New York, for his earnest and faithful advocacy of the principles involved in the resolution just adopted by the committee.

This action of the Democratic national committee had a marked effect upon Congress, but the same resistance, from the same quarters, was repeated as in the Fifty-ninth Congress. The same difficulty was found in securing a report from the committee, which is best stated in the words of the Democratic members of the committee:

[Statement given to the press by the Democratic minority of the Committee on Election of President, Vice President, etc., Apr. 7, 1908.]

Hon. Joseph H. Gaines, of West Virginia, chairman of the Committee on Election of President, Vice President, and Representatives in Congress, called a meeting of the committee for 10.30 this morning. The chairman convened the committee, and upon roll call Mr. Burke, of Pennsylvania, and Mr. Diekema, of Michigan, Republicans, and all five of the Democratic members of the committee answered present. This constituted a quorum. Upon motion made by one of the Democratic members the chair called up H. R. 20112, introduced by Mr. McCall, of Massachusetts, and popularly known as the campaign contribution publicity bill. The chair proceeded to read said bill at length, and at the conclusion of the reading one of the Democratic members of the committee moved that the bill as read be ordered favorably reported, and on that motion demanded the previous question. The chairman suggested that gentlemen present who are not members of the committee had been invited to attend the committee meeting to discuss the provisions of this bill and asked if it was the purpose to report it without hearing from those gentlemen. The answer was that as the committee had a very short time in which to act and as Congress was fast approaching the close of the present session and as these gentlemen and others had previously been heard on similar bills, the motion would be insisted upon.

About this time the chairman engaged in a whispered conversation with Mr. Diekema and Mr. Burke, the two Republican members present, after which

they immediately left the room. The chair then announced to the Democratic members, all of whom were present, that no quorum was present and that he would not put the motion to report the bill. One of the Democratic members asked the chairman if, upon a roll call within five minutes, a quorum had not answered present, to which he responded "Yes." Then he was asked if the two Republican members who had just retired from the room did not absent themselves at his suggestion, and he replied to this query: "The chair does not like to have to answer that question." The chairman expressed himself as being opposed to the McCall bill referred to, however, and said he did not feel like maintaining a quorum to report out a bill to which he was opposed. The five Democratic members of the committee were in favor of reporting the McCall bill, and it would have been favorably reported but for the filibustering tactics of the Republicans in breaking the quorum.

This is a concise statement of the proceedings of the committee, submitted without comment.

(Signed by all the Democratic members.)

W. R. RUCKER.
O. W. GILLESPIE.
FRANCES RIVES LASSITER.
THOMAS W. HARDWICK.
R. N. HACKETT.

Speaking of the renewed effort to obtain the enactment of a publicity law, the president of the National Publicity Bill Organization said, April 1, 1908:

The action of Judge Rucker and the agreement of the Democratic leaders of the House to force the fighting for the enactment of a campaign contribution and expenditure publicity law is a matter of great satisfaction to the Republican as well as to the Democratic members of the National Publicity Bill Organization. It is the most important measure on the program of Mr. Williams, the leader of the minority. The plan of the Republican leaders of the House seems to be to postpone consideration of the publicity of campaign contributions bill, as well as the other Democratic proposition in regard to the tariff question, until after the presidential election. The proposed establishment of a tariff commission would stir up the manufacturing interests and induce campaign contributions at the same time; it is also decreed that the contracts of industrial corporations shall be subject to the approval of the Commissioner of Corporations, the two policies together constituting the most comprehensive invitation to campaign contributors ever issued on the eve of election. It becomes, therefore, vitally important that such contributions in this particular presidential election be made public by law.

Representative George W. Norris, of Nebraska, a new member of the committee, at first seemed inclined to the opinion that the measure lacked practical value, but after giving it serious consideration became convinced that its purpose was beneficial. Mr. Norris was among the first of the Progressive Republicans, afterwards known as "Insurgents," the majority of whom supported the measure, and it was he who reported the bill favorably to the House from the committee. Among Progressive or "insurgent" Republican Representatives Henry A. Cooper and Irvine L. Lenroot, of Wisconsin, were very earnest in their support of the measure. Among Senators, Senator Cummins, of Iowa, a member of the National Publicity Law Association from its inception, and Senator La Follette were helpful at all times.

REPUBLICAN INSURGENCY.

The revolt against conditions produced within the Republican Party by secret contributions of powerful interests lay at the foundation of Republican insurgency.

The bill reported by Mr. Norris remained on the calendar till the closing days of the session. The Democratic minority, under the

leadership of Representative Williams, of Mississippi, had felt compelled to oppose all legislation under the method known to our parliamentary practice as filibustering for over a month in behalf of publicity and tariff legislation until public sentiment and the attitude of the more progressive Republicans in the House should become effective.

[Extract from Congressional Record, Mar. 25, 1908, session of Mar. 24, 1908.]

Mr. WILLIAMS. Now, Mr. Chairman, I believe that the country—and I believe that the Members of the House upon the Republican side of the aisle—will agree with me that, acting as minority leader, thus far this session I have given the majority perfectly "smooth sailing." I have not wanted to be regarded as factious; I have not wanted the country to think that the minority on this side was trying to assume responsibility for legislation. I knew that responsibility rested with the majority, and I did not want to appear to coerce the majority—and very little coercing can the minority do—until that majority has made absolute demonstration before the country of the fact that it does not intend to do anything at this session of Congress. [Applause on the Democratic side.] And that, too, notwithstanding the fact that your President has issued a program that he calls upon you to execute, and notwithstanding the fact that the distinguished gentleman from Iowa [Mr. Hepburn] announced early in the session that unless you did execute that program somebody was going to "get run over" and "get hurt."

I have waited like a Democratic lamb ready for the slaughter, waiting for the Republican Party to do something. I have finally come to the conclusion that the Republican Party in this House has forgotten how to do anything. [Applause on Democratic side.] It is plain now that without some method of parliamentary coercion you are going to be deaf to every demand of the country. The minority can not exercise much power, but it has some power, and I want to make the announcement now that from this moment on to the balance of this session this is not going to be a lie-easy, wait-on-the-enemy campaign [applause on the Democratic side], and that the little parliamentary power the minority has under the rules is going to be exercised. The minority has a right to refuse unanimous consent to legislation. It has the right to call for the yeas and nays upon every affirmative matter of legislation. I now make the announcement that requests for unanimous consent from that side of the aisle, unless it be to adjourn or to take a recess—in which two cases I believe it is not, from a parliamentary standpoint, necessary to have unanimous consent—will not be granted during the balance of this session until the majority shows that it is alive to the demands of the country sufficiently to report for consideration in this House, or to give me satisfactory assurance that they will report for consideration, the following bills:

First, an employers' liability bill. [Applause on the Democratic side.] You have been wasting too much time over it. You have been permitting your Judiciary Committee to have hearing upon hearing, and you have been using that bill merely as a buffer in order to prevent hearings upon other essential legislation before that committee, which legislation you hope to evade.

Second, I shall refuse unanimous consent until you report to this House for its consideration some publicity of campaign contributions bill [applause on the Democratic side], whether it be the bill offered by the gentleman from Missouri [Mr. Rucker] or some other bill. I care not whose name is attached to it, Republican or Democrat.

Third, I shall refuse unanimous consent for any request upon that side of the Chamber until the Ways and Means Committee of this House, in response to the overwhelming demand of the entire newspaper and magazine fraternity of this country, Republican as well as Democratic, shall bring to the consideration of this House a bill for free wood pulp and free print paper. [Applause on the Democratic side.]

Fourth, I shall make the same declination until the Clayton bill, now pending before the Judiciary Committee, or some other bill embodying like provisions, shall have been reported out of that committee for the consideration of this House. What the Clayton bill does is this: It prevents mere ex parte and temporary injunctions, where only one side has been heard from, acting as a supersedeas of a law passed by a sovereign State.

Speaker Cannon and Representatives Sherman and Crumpacker, constituting the controlling force in the Rules Committee and thus dictating the procedure of the House, by an indefensible, and, as it proved in the end, a futile parliamentary trick, embodied the McCall bill into what was known as the Crumpacker bill, which had been reported from the Census Committee, of which Mr. Crumpacker was chairman. The measures, thus loosely joined together, were suddenly and without previous notice, thrust upon the House by the Committee on Rules, and called up for action. The Crumpacker bill was in the nature of what is known as a " force " bill, intended to enforce the fourteenth and fifteenth amendments, and, as such, was known to be objectionable to the Democratic minority, though it was accompanied by the sections of the publicity bill, in behalf of which they had been filibustering, in order to compel action on the part of the majority. The Democratic minority did, in fact, unanimously vote against the bill in that form. But it was as unanimously passed by the Republican majority and sent to the Senate, on the eve of the national convention, without the slightest possibility of being enacted into law; the Republican majority managed to defeat action. The Republican leaders in Congress imagined that they had succeeded in disposing finally of the question.

SENATE APPEALED TO BY PETITION.

The Senate was appealed to by petition, Monday April 20, 1908, in behalf of the national publicity bill, as shown by the following transcript from the Congressional Record:

Mr. CULBERSON. Mr. President, I present a petition of the National Publicity Bill Organization. In presenting it, it is not inappropriate to say that this organization is absolutely nonpartisan and that the demand for the legislation proposed comes from the entire country and from the general public.

The underlying purpose of this movement for the publication of contributions made for campaign purposes is to limit the expenditures in political contests to legitimate purposes and to lessen the use of money in political elections.

No complaint, Mr. President, is made of nonaction on the part of the Senate Committee on Privileges and Elections, so far as this petition is concerned. I invite the attention of the chairman of that committee, however, and of the Senate, to the fact that bills have been pending for many months on this subject before that committee. On the 10th of December, 1907, I introduced a bill on the subject and it was referred to that committee. On February 28, 1908, a bill was introduced by the Senator from South Carolina [Mr. Tillman], much more elaborate in form, upon the same subject. I would refer, if it were proper to do so, to measures of this character introduced in another body; and my sole purpose in calling attention to it now is to suggest the general nonpartisan interest of the country in legislation of this character.

I present the petition and ask particularly, as I understand under the rule it is necessary to do so, that the signatures attached to the petition may be printed in the Record, with the petition itself, as well as the accompanying papers, which consist of letters written by prominent men of different political parties throughout the country. I ask that it be printed in the Record as it appears in the manuscript which I send to the desk, and that it be referred to the Committee on Privileges and Elections.

There being no objection, the petition and accompanying papers were referred to the Committee on Privileges and Elections and ordered to be printed in the Record as follows:

THE PETITION OF THE NATIONAL PUBLICITY BILL ORGANIZATION.

To the Senate and House of Representatives:

The National Publicity Bill Organization respectfully asks the Congress to enact at the present session a suitable law for the publicity both before and

after election of campaign contributions made to national committees to be used in influencing the approaching election of November 3, 1908.

The organization is constrained to make this appeal at this time without urging congressional legislation requiring publicity of contributions made to State committees or other committees operating only in one State. The association has limited the scope of its efforts to securing publicity of contributions made to national committees and congressional committees formed to influence in more than one State elections where Members of the National House of Representatives are to be chosen, and to promote by all appropriate means State legislation designed to accomplish in every State the same purpose of publicity.

It is thought that the wisest method of preventing election corruption through money contributions will be not through national laws alone nor through State laws alone, but through both methods; each cooperating and not conflicting with the other, and both making the best and most effective system.

This would secure harmonious cooperation of both the national and State legislatures and avoid any discussion of troublesome constitutional questions. There can not be any doubt of the power of Congress to do what we propose, nor any doubt about the power of the State to provide the additional regulations desired. An act of Congress carefully framed might prove to be a model law for the States to follow.

Moreover, it seems to this organization that at this late day in the present session it will be impossible to accomplish the passage by Congress of anything more than a publicity law applicable to national committees and congressional committees operating in more than one State. The differences in the last Congress between those who sought to do this and those who sought to do more proved fatal to any legislation whatever. It is to aid in preventing another such fatality that the association makes its present earnest appeal.

The National Publicity Bill Organization is nonpartisan and hopes that the efforts to secure the beneficial laws so much needed will not become involved in the controversies of political parties. But it is impossible to overlook the fact that the present minority party will impose upon the majority party the weighty responsibility for the failure of any legislation, if such failure shall ensue. To avoid such a deplorable political issue, should not the members of both parties unite in postponing all propositions on which there may be a sincere division of sentiment and in passing through Congress without further delay a bill upon which all cordially agree?

Accompanying this petition are letters from members of the publicity organization showing that their views are in accord with those herein presented.

THE NATIONAL PUBLICITY BILL ORGANIZATION,
By PERRY BELMONT,
JOHN M. THURSTON,
WM. E. CHANDLER,
JOHN E. LAMB,
CRAMMOND KENNEDY,
Acting for the Committee on Legislation.

On May 25, 1908, the following statement to the press was made by the president of the Publicity Law Association:

The Republican Party, controlling the House and having a two-thirds majority in the Senate, with all the powers of the administration behind it, has succeeded in passing through the House a measure containing all the sections of the McCall campaign publicity bill. That bill had the solid support of the Democratic Party in the House and had been adopted by the subcommittee representing the opinion of the Democrats in the Senate.

It will be remembered that at the meeting of the Democratic national committee last December a resolution was passed favoring such a measure. The National Publicity Bill Association at all its meetings within the last three years and by correspondence with leading members of both parties belonging to the association, has consistently refrained from advocating any measure establishing Federal control over State elections, and, therefore, is opposed to the Crumpacker Federal election law sections incorporated in the McCall bill.

If Congress adjourns leaving the bill in its present situation, and the Republican two-thirds majority of the Senate is unable to come to a conclusion as to its course in the matter, the Republican Party will have placed itself in an

unenviable position at the outset of the presidential campaign. Its national committee will be expected to resume its usual solicitations for large and secret contributions to promote the success of its candidate. The great change in public sentiment in regard to such contributions seems to be entirely disregarded by the controlling forces of the Republican Party.

MR. ROOSEVELT'S FAILURE TO AID THE MOVEMENT, AND SECRETARY TAFT'S ACTION FAVORING PUBLICITY AFTER ELECTION ONLY.

Mr. Roosevelt's attitude during the campaign of 1904 has already been referred to as illustrating his subsequent course in regard to this measure. He held a dual attitude in regard to it, as he did in relation to the other subjects of the trusts and of the tariff, and it has now been made evident, by the presentation of the record of this movement, that not once during the Fifty-ninth or Sixtieth Congress, the whole period of his administration, did he give aid to campaign-publicity legislation.

It became known to the president of the Publicity Law Association that Mr. Taft, then Secretary of War, was inclined to favor such legislation. From the time of his refusal to accept the appointment on the Supreme Bench, tendered him by the President, it was generally understood that he would eventually be nominated by his party for the Presidency. His availability as a Republican candidate was unquestioned, and that he came from the pivotal State of Ohio seemed to render his nomination a foregone conclusion.

A meeting was arranged, which took place at the War Department April 30, 1908. Mr. Taft asked what was the exact situation of the bill in Congress. Upon being informed in detail of the action and attitude of the majority in the House, he at once addressed a letter to Senator Burrows, the chairman of the Committee on Privileges and Elections in the Senate, to which the bill had been referred.

Owing to the fact that it was the general opinion that Mr. Taft would be nominated at the coming convention, he did not desire a publication of the letter at that time, nor was it published, but its contents were known to the members of the executive committee of the Publicity Law Association and to a number of Republican and Democratic Representatives and Senators.

On May 25, 1908, Mr. Bryan sent the following telegram to Secretary Taft:

I beg to suggest that as leading candidates in our respective parties we join in asking Congress to pass a bill requiring publication of campaign contributions prior to election. If you think best, we can ask other candidates to unite with us in the request.

W. J. BRYAN.

Upon Mr. Bryan's initiative, Secretary Taft gave out for publication his answer as follows:

Hon. WILLIAM J. BRYAN,
Lincoln, Nebr.:

Your telegram received. On April 30 last I sent the following letter to Senator Burrows, the chairman of the Committee on Privileges and Elections of the Senate:

"MY DEAR MR. BURROWS: I sincerely believe that it would greatly tend to the absence of corruption in politics if the expenditures for nomination and election of all candidates and all contributions received and expenditures made by political committees could be made public, both in respect to State and national politics. For that reason I am strongly in favor of the passage of the bill which is now pending in the Senate and House bringing about this

result, so far as national politics is concerned. I mark this letter personal because I am anxious to avoid assuming an attitude in the campaign which it is quite possible I shall never the right to assume, but so far as my personal influence is concerned I am anxious to give it for the passage of the bill.

"Very sincerely yours,

"WILLIAM H. TAFT."

Since writing the above, in answer to inquiry, I have said publicly that I hope such a bill would pass.

W. H. TAFT.

The following dispatch was published from Lincoln, Nebr., May 26, 1908:

William J. Bryan received Secretary Taft's telegram on the publicity bill this afternoon. He sent this reply:

"HON. W. H. TAFT: I am very much gratified to receive your telegram and trust the publication of your letter will add the weight necessary to turn the scales in favor of the measure. Elections are public affairs and publicity will help to purify politics.

"W. J. BRYAN."

Mr Bryan wired Senator Culberson and Representative Williams, saying:

"Please secure copies of my telegrams to Secretary Taft and his reply concerning campaign contributions. His letter to Senator Burrows may enable you to secure action on the bill.

"W. J. BRYAN."

The letter of the prospective candidate of the Republican Party was not, however, sufficient to move Senator Burrows, or the Republican members of the Senate committee, to take any action upon the bill.

The press of May 27, 1908, contained the following announcement:

The president of the National Publicity Law Organization, speaking of the correspondence made public to-day between Secretary of War Taft and William J. Bryan on the question of urging Congress immediately to pass a campaign contribution publicity bill, said in a statement to-night:

"To the members of our organization, the correspondence between the two leading candidates for Presidential nominations demonstrates that the movement for publicity of campaign contributions has reached the point, and public sentiment has become so insistent that both parties will be required, whether Congress passes a publicity bill or not, to disclose the amounts contributed to the national committees and the source from which they are obtained during the approaching campaign."

This proved to be the case. The Democratic national committee published at frequent intervals during the progress of the campaign all contributions made to it and the details of its expenditures, and the treasurer of the Republican national committee, at the request of the Republican candidate for President, placed himself under the operation of the New York publicity law, which required publication of campaign funds and expenditures after election only.

Ex-Senator Burrows was temporary chairman of the convention nominating Mr. Taft. An interesting illustration of the attitude of that section of the Republican Party which is most representative of the alliance with the trusts was the vote which defeated the resolution to incorporate in the platform a declaration for the publication of campaign funds. Representative Henry A. Cooper, of Wisconsin, brought in a minority report from the committee on resolutions signed by himself alone. Fifty-two members of the committee signed the majority report. Mr. Cooper's report contained a declaration in favor of publicity of campaign funds. It was lost by a vote of 880 to 94.

So pronounced was the Democratic declaration on the subject that Mr. Taft made a post-convention pledge to urge Congress to pass a publicity bill. He did not specify when the publication should occur, but upon the assembling of Congress he made it known to Senators and Members that he favored publicity after election only.

The Democratic convention declared itself in favor of publicity of campaign contributions in the following words:

We demand Federal legislation forever terminating the partnership which has existed between corporations of the country and the Republican Party under the expressed or implied agreement that in return for the contributions of great sums of money wherewith to purchase elections they should be allowed to continue substantially unmolested in their efforts to encroach upon the rights of the people.

Any reasonable doubt as to the existence of this relation has been forever dispelled by the sworn testimony of witnesses examined in the insurance investigation in New York and the open admission, unchallenged by the Republican national committee, of a single individual that he himself, at the personal request of the Republican candidate for the Presidency, raised more than a quarter of a million of dollars to be used in a single State during the closing hours of the last campaign. In order that this practice shall be stopped for all time, we demand the passage of a statute punishing with imprisonment any officer of a corporation who shall either contribute on behalf of or consent to the contribution by corporations of any money or thing of value to be used in furthering the election of a President or Vice President of the United States or of any Member of Congress thereof.

We denounce the action of the Republican Party, having complete control of the Federal Government, for its failure to pass the bill introduced in the last Congress to compel the publication of the names of contributors and the amounts contributed toward Congress funds, and point to the evidence of their insincerity when they sought by an absolutely irrelevant and impossible amendment to defeat the passage of the bill. As a further evidence of their intention to conduct their campaign in the coming contest with vast sums of money wrested from favor-seeking corporations, we call attention to the fact that the recent Republican national convention at Chicago refused, when the plank was presented to it, to declare against such practices. We pledge the Democratic Party to the enactment of a law preventing any corporation contributing to a campaign fund and any individual from contributing an amount above a reasonable minimum and providing for the publication before election of all such contributions above a reasonable minimum.

The convention which nominated him had refused to pass a campaign publicity resolution, and Mr. Taft requested the treasurer of the Republican national campaign committee to make public all contributions and expenditures after election only.

Democratic and Republican governors of States, elected during that campaign, some of whom had belonged to the Publicity Law Association from its inception—Gov. Hughes, of New York; Gov. Harmon, of Ohio; Gov. Johnson, of Minnesota; and Gov. Marshall, of Indiana—had declared themselves in favor of State and national publicity legislation.

When the Congress reassembled several bills were introduced containing the provision requiring publication before election. Public opinion had become much stronger than it had been during the preceding session, but the opposition of the Republican organization continued till the adjournment.

The following letter from Representative McCall gives a very clear idea of the prevailing attitude of the majority:

DECEMBER 7, 1908.

HON. PERRY BELMONT,
President National Publicity Law Organization.

MY DEAR MR. BELMONT: In reply to your inquiry concerning the status of the publicity bill, which was unanimously reported at the last session by the

House committee having it in charge, I would say it was called up by Mr. Crumpacker, of Indiana, who moved to suspend the rule and pass the bill with an amendment. The House accepted Mr. Crumpacker's amendment, and then passed the publicity bill, sending it to the Senate. The result of incorporating the so-called Crumpacker amendment was to bring to the measure the opposition of a very large number of the Members of the House, most of whom favored the publicity bill alone, but were not in favor of the amendment. If persisted in, the amendment will, in my opinion, undoubtedly have the effect of killing the bill at this session, if it is maintained as a part of it. The propositions are entirely independent, and there is no reason why those in favor of the principles of the amendment may not continue to advocate them in the future as they have in the past. But the publicity bill relating to the publication of election expenses had the support of both parties upon the House committee, and also received the approval of Mr. Taft and Mr. Bryan, who were subsequently nominated by their respective parties for the Presidency. It is a striking circumstance that the national committees of the two parties have since the election published reports of their receipts and expenses in connection with the last election practically as they would have done if the publicity bill had been a law. As the bill has gone from the House to the Senate, it would be necessary to begin over again in the House, to reintroduce it, have it referred to the committee, and reported by it and considered again in the House, something it would be hopeless to accomplish at a short session.

Under the circumstances, the more certain procedure would be to have the Senate deal with the House bill, passing it, if possible, as it was originally reported by the House committee. The bill would then return to the House, go into conference, and possess a privilege which would undoubtedly enable both Houses to act upon it at the short session. The matter, so far as this Congress is concerned, rests with the Senate.

In this connection, it is well to recall the letter of President-elect Taft to Senator Burrows, the chairman of the Senate committee having the bill in charge, in which he strongly stated the case in favor of this legislation.

Sincerely, yours,

S. W. McCALL.

SIXTY-FIRST CONGRESS.

At the outset of the first session of the Sixty-first Congress the publicity bill was once more introduced by Representative McCall. The same inertia on the part of the Republican organization was encountered, though an aroused public opinion was having its effect in rendering this form of opposition more difficult for the majority party in Congress in its purpose to avoid action. But notwithstanding every effort to urge favorable action the majority, with the exception of the more progressive members of their party, remained indifferent or continued their tactics of opposition. For many months the committee having the bill in charge failed to report it to the House. On the 26th of February, 1910, the following letter was sent to each member of the National Publicity Law Association:

The attention of the members of the National Publicity Law Association is called to the bill now before Congress (H. R. 2250), requiring the publication of contributions to national and congressional campaign committees during elections at which members of the House of Representatives are voted for.

The same bill was pending in the last Congress and was reported unanimously by Mr. Norris, of Nebraska, from the House Committee on the Election of President, Vice President, and Representatives in Congress (bill H. R. 20112, Rept. No. 1505, Apr. 20, 1908).

On May 22, 1908, Representative Crumpacker, chairman of the Census Committee, added to the bill five sections involving Federal interference in elections and a Census Office inquiry looking to the reduction of congressional representation, on account of restrictions on suffrage, and on a suspension of the rules, moved by him, the bill thus amended passed by a vote of 161 to 126. Substantially all the Republicans voted for it. All the Democrats were in favor of the bill as originally reported by Mr. Norris, but they voted against it, in

the form presented by Mr. Crumpacker. The Democratic Senators were also opposed to the bill, in that form, and it was not acted upon in the Senate.

The bill without the objectionable additions has been again introduced—in the House by Mr. McCall—March 18, 1909 (H. R. 2250), and should not receive one negative vote, the Republicans of the last House having voted in a body for its original provisions and the Democrats of that House having given them unanimous approval.

President Taft has recommended action as follows:

"If I am elected President I shall urge upon Congress with every hope of success that a law be passed requiring a filing in a Federal office of a statement of the contributions received by committees and candidates in elections for Members of Congress, and in such other elections as are constitutionally within the control of Congress."

In his message of December 7, 1909, he says:

"I urgently recommend to Congress that a law be passed requiring that candidates in elections of Members of the House of Representatives, and committees in charge of their candidacy and campaign, file in a proper office of the United States Government a statement of the contributions received and of the expenditures incurred in the campaign for such elections, and that similar legislation be enacted in respect to all other elections which are constitutionally within the control of Congress."

Assuming that Congress will without further delay take some action on the President's recommendation, the only danger of the defeat of this bill, on a yea-and-nay vote, will arise from another attempt to add to its requirements and thus arouse differences of opinion as to the respective jurisdictions of national and State authority concerning elections.

The bill provides that national and congressional committees formed to influence congressional elections, within two or more States, shall make public their receipts and expenditures, and its adoption would leave all supplemental legislation for publicity to be enacted by the States. This has been the consistent purpose of our publicity organization in regard to national legislation, while it has sought to promote supplemental State legislation. Its influence should now be exerted to prevent unwise attempts to change the character or add to the requirements of the pending bill, which might result in its defeat. If it is defeated in a way which is to be feared, a widespread doubt will arise as to the sincerity of all professed friends of campaign publicity, who have demanded extraneous amendments and additions to the bill, which, as it now stands, has received general and almost unanimous approval, as appropriate national legislation for the publicity of contributions for election expenditures.

Up to this time, it has not been deemed necessary to call a meeting of the national publicity organization or to request action by its members. But the situation and outlook are now such that your advice and assistance are invited in every way in which you may be willing to render them.

Take notice that Mr. McCall's bill was introduced on March 18, 1909, that nearly a year has passed without action of any sort, and that only seven months remain before the next congressional elections of November 8, 1910, take place, and probably not more than four months of the present session of Congress.

PERRY BELMONT, *President;*
CRAMMOND KENNEDY,
JOHN M. THURSTON,
WM. E. CHANDLER,
For the Committee on Legislation.

1618 NEW HAMPSHIRE AVENUE,
WASHINGTON, D. C.

Among the many replies received from members of the publicity association that of Gov. Harmon, of Ohio, when published, was most effective in compelling action:

MARCH 4, 1910.

DEAR MR. BELMONT: I greatly regret the delay which the measure for the publication of political contributions is encountering. All good citizens, whether in or out of office, without regard to party, earnestly desire its passage. The President and Mr. Bryan have given it their approval. Failure to take prompt action on it has become a reflection on the nation. To talk big and do nothing is bad in any case, but especially in a matter of public morals.

I hope there is no question in fact about the passage of the bill at the present session and that the past delay has been due merely to inertia. But inertia in such a thing is a form of opposition which I trust the public spirit of our Senators and Representatives will promptly overcome.

Very sincerely, yours, JUDSON HARMON.

The following letter from Dr. Eliot is further evidence of public interest in the measure:

CAMBRIDGE, MASS., *March 5, 1910.*

DEAR MR. BELMONT: It is now only seven months to the next congressional elections and preparations for those elections have already begun; yet the bill introduced by Mr. McCall on March 18, 1909, requiring the publication of contributions to national and congressional campaign committees has not yet been put upon its passage, in spite of the urgent recommendation of President Taft, and in spite of the fact that both the Republicans and the Democrats in the last Congress seemed to be in favor of it. Should not public attention be called to this state of things? The bill is clearly for the interest of both political parties and of all candidates. It will tend to inform the people concerning legitimate election expenses, to diminish bribery and corruption by making these crimes more dangerous for the perpetrators, and to diminish the apprehensions of the public concerning the influence of the "money power" in national elections. It is a bill which ought to meet no opposition whatever. Wherever analogous measures have been adopted they have invariably been found useful.

Sincerely, yours, CHARLES W. ELIOT.

The following was published March 14, 1910, as an answer to the letters of Gov. Harmon and others received by the association:

Your letter of March 4, and those of Gov. Comer, of Alabama; ex-President Eliot, of Harvard; Judge Grosscup, of Illinois; Judge Wallace, of the New York Court of Appeals; Edward M. Shepard, of New York; Francis Lynde Stetson, of New York; John E. Lamb, of Indiana; Gen. James H. Wilson, Robert G. Houston, of Delaware; Patrick Quinn, of Rhode Island; Cromwell Gibbons, of Florida; and others have given much assistance to the supporters of the campaign publicity bill, just reported favorably by the House Committee on the Election of President, Vice President, and Representatives in Congress.

As representing a nonpartisan organization I regret to find it necessary to say to you and other members of our association that the report of the bill has been secured only by the persistent efforts of the minority members of the committee, Representatives Rucker, of Missouri; Hardwick, of Georgia; Gillespie, of Texas; and Conry, of New York; and that the Republican leaders of the House have yet to demonstrate that they do not intend to prevent the enactment of a campaign publicity law as they did in the last Congress.

As in the previous Congress, a letter was addressed to the chairmen of the two congressional campaign committees as follows:

WASHINGTON, D. C., *March 8, 1910.*

HON. WM. B. MCKINLEY,
Chairman Republican Congressional Committee.
HON. JAMES T. LLOYD,
Chairman Democratic Congressional Committee.

GENTLEMEN: Representing the National Publicity Law Organization, we request you to aid in the passage of the bill now pending in the House of Representatives (H. R. 2250), introduced on March 18, 1909, by Representative McCall and referred to the Committee on the Election of President, Vice President, and Representatives in Congress, of which Hon. Joseph H. Gaines is chairman.

We appeal to you specially at this moment because we notice that active preparations are already being made for the canvass for the congressional elections in November next, and we believe that you will conduct that work of your committee, desiring that proper public information of your receipts and expenditures be given in obedience to law, and not merely according to voluntary decisions of the committees.

You will notice that the President has recommended the pending publicity legislation, and you are aware that the general sentiment of both political parties is in its favor, which we trust will lead you to respond to the appeal we now address to you.

Very respectfully,

PERRY BELMONT.
WM. E. CHANDLER.

Representative Lloyd, of Missouri, replied for his committee, in the following letter:

[Chairmen of committees: Campaign, Lincoln Dixon, Indiana; executive, Henry T. Rainey, Illinois; literature, G. M. Hitchcock, Nebraska; finance, Joseph E. Ransdell, Louisiana.]

DEMOCRATIC NATIONAL CONGRESSIONAL COMMITTEE,
Washington, D. C., March 12, 1910.

Hon. PERRY BELMONT,
Washington, D. C.

MY DEAR SIR: I am in receipt of your favor of the 8th instant, with reference to the publication of campaign expenses. In that letter you asked me as chairman of the Democratic national congressional committee whether or not our committee favors legislation which authorizes the publication of campaign expenses.

The Democratic Party is committed to that doctrine in its platform made at Denver. Our committee as loyal Democrats are in full accord with that provision of the platform and will assist in the passage of any measure which will bring about that result. We are not committed to any particular bill, but will support any measure that is indorsed by the minority members of the Committee on Election of the President, Vice President, and Representatives in Congress.

Mr. Rucker, who is the ranking member of the minority on that committee, has taken more active interest than any other member of Congress in this subject, so far as I know, and he has been ably assisted by the other Democratic members of that committee. They have done all in their power to cause favorable consideration of a bill of that character and, as I understand, have agreed to support the McCall bill. We shall take pleasure in following the leadership of Mr. Rucker and the other minority members of that committee in trying to secure the favorable consideration of a bill requiring the publication of campaign expenses and its passage through the House after it shall be reported.

I commend you and your associates for your splendid service in calling public attention to the needs of this legislation.

Sincerely, yours,

JAMES T. LLOYD.

Representative McKinley, of Illinois, chairman of the Republican congressional committee, did not find it convenient to make any reply, which of itself was sufficient evidence of his view of the subject.

The bill was reported from the House committee and was passed, but not without encountering the same opposition as in previous Congresses. That opposition came from Republicans who objected to the ante-election publicity feature of the measure, which, however, was adopted. When the bill, introduced by Senator Bailey, reached the Senate, the delay in securing a report from the Committee on Privileges and Elections was so prolonged that it became necessary to adopt energetic measures. An appeal was again made to the public in a manner that secured the approval of the press. Senator Burrows, Chairman of the Committee on Privileges and Elections, to which the bill had been referred, was informed that a motion would be made on the floor of the Senate to discharge his committee from the consideration of the bill unless it was reported, and only then was he induced to make the report. When the bill came before the Senate the ante-election publicity feature was struck out. The

House, rather than run the risk of again failing to secure legislation, agreed to the Senate amendment and the bill finally passed on June 25, 1910. It was first introduced in the House January 12, 1906 (H. R. 11642), and in the Senate (S. 3251) January 15 of that year.

CHAPTER V.

SIXTY-SECOND CONGRESS.

Upon the assembling of the Sixty-second Congress in extra session, with a Democratic majority, an amendment to the publicity law was introduced providing for anteelection publicity, rejected by the preceding Congress. The Committee on Election of President, Vice President, and Representatives in Congress now had for its chairman Representative Rucker, of Missouri, who had originated the anteelection provision of the bill. A favorable report was promptly made and the bill was passed among the first of the session, but it was dangerously near defeat on account of an amendment proposing to include a publication of compaign funds employed in primary elections, especially obnoxious to the majority of Democrats in the House. That amendment was defeated by the efforts of the friends of the measure in Congress.

A very remarkable illustration of the progress and strength of public opinion in the United States, as compared with that existing in England on the subject of the abolition of secret party funds, is furnished by the contrast between two letters received by the president of the Publicity Law Association, both dated July, 1911, one from Washington, the other from London. The one previously referred to as having been written during the political crisis in England by an English statesman, and political leader of the greatest authority, after a careful examination of the provisions of the Federal publicity law enacted June 25, 1910, contained the following words, already quoted:

> I think it is quite possible that some such movement as that which has produced legislation on your side of the Atlantic may make itself felt here. At the moment, however, I should conjecture that public opinion was hardly ripe for it.

The other letter was from a leading American Senator, a strong supporter of publicity legislation, who wrote:

> Some of the Republican Senators who are really opposed to the publication of campaign contributions voted for the primary amendment, in the hope that it would defeat all legislation on the subject; and other Republican Senators voted for it because they wanted to make the bill as obnoxious as possible to Southern Democrats, and thought that the best way to do it. The Democrats who voted for the amendment were controlled by the fear that the people would think they are not as radical on the subject of the publicity of contributions as their Republican adversaries. I assume that the House will disagree to the Senate amendment and ask for a conference, but I am rather inclined to believe that the House will be compelled to accept this amendment or else allow the bill to fail.

The Democratic House finally agreed to the Senate amendments and the bill was enacted into law, including the amendment covering primary elections.

The two letters were received at the same time, one containing the information that public opinion in England would not justify

an attempt to secure legislation from Parliament on the lines of our publicity law of 1910, the other announcing the passage, through the Senate, of a much more progressive bill, which became law August 14, 1911, at the extra session of the present Congress.

SECRET PARTY FUNDS TOLERATED IN OTHER COUNTRIES.

In the French Republic, founded upon universal suffrage; in the German Empire, where a more restricted right to vote exists, though ever extending with the progress of liberalism; under the imperial government of Austria-Hungary; in the Kingdom of Italy; in every country of Europe, where varying forms of constitutional government and different degrees of voting privileges prevail, the ballot is procteted more or less successfully by laws intended to prevent bribery at elections. But owing to the general extension of the suffrage everywhere proposed, or actually carried into effect, and on account of the increasing number of important questions to be decided by popular vote, there is, under all governments now in authority, a corresponding tendency to larger political expenditures. Secret party funds are considered necessary, and the secret employment of such funds is therefore tolerated or approved on the Continent of Europe, as in England.

THE UNITED STATES HAS TAKEN THE LEAD.

It was to have been expected that the United States would take the lead in applying the remedy for an evil everywhere accompanying Democratic progress and harassing the onward march of the organized forces of Democracy wherever they may be found engaged in a struggle for the recognition of popular rights. The abolition, by a Federal statute, of the secrecy of party funds during our presidential and congressional elections is an accomplished fact, but in order that our country should maintain its preeminence a vigilant enforcement of the law must be demanded by public opinion.

To render its enforcement more effective there should be incorporated in the existing Federal publicity law a provision similar to that contained in the New York State publicity law, to which reference has already been made, as having the effect of insuring the observance of the law in a marked degree. The bill, H. R. 11642, first introduced, at the instance of the Publicity Law Association, by Representative McCall, January 12, 1906, contained such a provision, in the following sections:

SEC. 10. That any district court or circuit court of the United States, or any judge of any district or circuit court of the United States, may, by order which such court or judge is hereby authorized to make, compel any person or committee who fails to file a statement as above required, or who files a statement which does not conform to the foregoing requirements in respect to its truth, sufficiency in detail, or otherwise, or who fails to comply with any other of the requirements or provisions of this act, to file a sufficient statement or to otherwise comply with the provisions of this act, upon the application of the Attorney General or of a district attorney of the United States or upon the petition of any candidate for the office of Representative or Delegate to the Congress of the United States or presidential elector voted for at such election, or any ten persons qualified to vote at such election. Such application or petition shall set forth, upon the information and belief, with the grounds thereof, or upon the personal knowledge of any such applicant or petitioner,

any failure or failures, or any act or acts tending to show any failure or failures, to comply with any of the provisions of this act, which may be alleged in such application or petition and shall be filed within 90 days after any election in respect to which the allegations of such application or petition may relate.

SEC. 11. That proceedings under this act shall be advanced upon the request of either party for speedy hearing and determination, and no proceeding had pursuant to any application or petition under this act shall be discontinued without the consent of the Attorney General or of a district attorney within the territorial jurisdiction of the judge or court to whom the application or petition shall be made.

SEC. 12. That any district court or circuit court of the United States, or any judge of the district or circuit courts of the United States, may, and if with any such petition there be filed with such court or judge an undertaking in the sum of one thousand dollars, with sureties satisfactory to such court or judge, conditioned to pay such costs and disbursements in such proceeding, not xeceeding said sum of one thousand dollars, as to such court or judge may seem proper in the premises, such court or judge must forthwith hold a summary inquest to inquire into such violations of or failure to comply with the provisions of this act as may be alleged in any such petition, or into any other facts and circumstances relative to any such election, and to any contributions or expenditures made in connection therewith, and inquest into which such court or judge may deem necessary to secure compliance with the provisions of this act and the fullest publicity in connection with such contributions and expenditures.

SEC. 13. That any court or judge holding such inquest may issue subpœnas for witnesses, who shall be allowed the same fees, whose attendance may be enforced in the same manner, and who shall be subject to the same penalties as if served with a subpœna in behalf of the United States in a criminal prosecution before such court or judge.

SEC. 14. That the Attorney General, the district attorney, or some person designated by either, or by such court or judge, shall attend the inquest and examine the witnesses. Such court or judge shall also have power by a subpœna duces tecum to compel the production before him for examination of any books or papers of any kind or of any other thing which he may require in the conduct of such inquiry. Such court or judge shall, in addition to any power which may be conferred by any other of the provisions of this act, have power to cause any person who shall neglect or refuse to appear before him as a witness, having been duly summoned, to be brought before it or him; and any person in attendance as a witness, who shall refuse to be sworn as a witness, or who, being sworn, shall refuse to answer any proper question propounded to him, and any person who, having been duly summoned, shall neglect or refuse to appear before such court or judge, may be adjudged guilty of contempt, and may be fined not more that one thousand dollars or imprisoned not more than thirty days, or both.

SEC. 15. That no person who is called to testify in any proceeding or inquest held under the provisions of this act shall be liable to criminal prosecution under this act or otherwise for any matters or causes in respect to which he shall be examined, or to which his testimony shall relate, except to prosecution for perjury committed in such testimony, and no testimony so given or produced shall be received against him upon any criminal investigation or proceeding.

SEC. 16. That the court or judge holding such inquest may in the conduct thereof employ a competent stenographer to take down the examination of any witness or witnesses, and to cause the stenographic notes of such examination to be transcribed and furnished, together with his findings, if any such there be, to any proper prosecuting officer having jurisdiction of the subject matter of such inquiry, and such court or judge shall have power to tax double the amount of such costs as may be taxed in equity against any such petitioner or petitioners, if he shall find that the allegations in any such petition are materially untrue, and that such petition was brought from vexatious or malicious motives.

The presidential election of 1912 will be the first held since the enactment of a Federal campaign publicity law. It should be strengthened in some such manner as that suggested, especially

owing to the fact that many of the existing State publicity laws are not sufficiently effective, and in view of the approaching national campaign such State laws as are now in operation should be supplemented by the Federal law provided with the required machinery for its enforcement.

One of the most effective of the State laws is the New Jersey statute enacted under the inspiration of Gov. Woodrow Wilson, who has been a powerful and consistent advocate of campaign publicity. The law was approved by him April 20, 1911, and is a model of State legislation upon this subject.

The first section of the law sufficiently indicates its comprehensive character and is as follows:

1. Hereafter any person indorsed in any petition as a candidate for nomination by any political party, at any primary election, or for election as a member of a party committee or delegate to a national convention, or any person nominated by petition for any elective office, at the time of filing such petition, or within five days thereafter, shall file with the officer authorized by law to receive and file such petition the names of not less than one or more than five persons selected to receive, expend, audit, and disburse all moneys contributed, donated, subscribed, or in anywise furnished or raised for the purpose of aiding or promoting the nomination or election of such candidate, together with the written acceptance and consent of such persons to act as such committee: *Provided*, That any candidate may, if he sees fit to do so, declare himself as the person chosen for such purpose, or may, either in the first instance or within five days after he has received any party nomination, designate the county or State committee of his party for such purpose, in which event the maximum number hereinbefore stated shall not apply. Such person or persons or committee may act conjointly for any number of candidates. They shall appoint one of their number to act as treasurer, who shall receive and disburse all moneys received by said committee. He shall keep detailed accounts of all receipts, payments, and liabilities. Failure to make such declaration of appointment or selection by any candidate shall operate as a refusal to accept such nomination. The said committee shall have the exclusive custody of all moneys contributed, donated, subscribed, or in anywise furnished for or on behalf of the candidates or political party represented by said committee, and shall disburse the same on proper vouchers. If, for any cause, a vacancy shall occur in the membership of said committee prior to the fifteenth day before the day of holding a primary or general election, the vacancy must be filled by the authority making original appointment. No vacancy by resignation from said committee, or by refusal to act thereon, shall occur after the fifteenth day before the day of holding of said election, and until the said committee shall have completed and discharged all the duties required of them by this act. If any vacancy be created by death or legal disability subsequent to the fifteenth day before the day of holding an election, such vacancy shall not be filled, and the remaining members shall discharge and complete the duties required of said committee as if such vacancy had not been created. No candidate for nomination or election shall expend any money, directly or indirectly, in aid of his nomination or election, except by contribution to the committee designated by him as aforesaid. Any person who shall act as his own committee shall be governed by the provisions of this act relating to committees designated by candidates.

SHALL THE ALLIANCE, TEMPORARILY WEAKENED, BE REESTABLISHED ON A FIRMER BASIS THAN EVER?

The conduct of political campaigns by party managers of both parties, under the old system of political warfare, was shrouded in secrecy and mystery, not so much, it is claimed, because the transactions in which they were engaged could not bear the light of publicity, as on account of the prevalent belief that success could best

be attained by secret methods. Impressed with a corresponding belief in secrecy, the managers of the great corporations, insurance companies, and trust companies had become accustomed to regard these enormous aggregations of capital as private institutions and considered that publicity had no part in their government. Reference has already been made to the fact that those connected with party management were the first to recognize the necessity for a change. A few men holding important relations to corporations and trusts expressed their approval of the movement and, in compliance with the demands of public sentiment, adopted the policy of a form of publicity in the management of the corporations and trusts with which they were officially connected.

Mr. George W. Perkins, among those appealing to Congress for remedial legislation upon the subject of the trusts, in the course of an address August 7, 1911, said:

> The fabulously rapid growth of our business staggered the people, and instead of investigating to find the real causes that had brought about such results, or politicians, by the passage of the Sherman Act, made war on the business methods adopted by the business men of this country.

The hostility and suspicion he criticizes would largely disappear if the publicity he has advocated were carried into effect.

Enthusiasm for great achievements in the domain of commerce and industry, which the boundless resources and the inventive genius of the American people alone render possible, may lead to a confusion of ideas as to private and personal profit and public welfare.

During the pending controversy the President and the Attorney General have repeatedly declared that magnitude does not of itself constitute a violation of the Sherman antitrust law. Neither would magnitude of itself become a menace, unless those who are intent upon the pursuit of accumulation and absorption should become oblivous of the fact that, admirable and dazzling to the imagination as may be their achievements, everything in our country is measured upon a large scale, which of itself magnifies those achievements. Equal opportunity, under our Constitution and laws, should be sufficient to enable them to reap the rewards which are so creditable to their talents and energy. Though they may be patriotically engaged in developing the enormous resources of the Nation and may justly claim an important share in that development, it would be a regrettable misconception of their legitimate relation to the Government were they to expect its cooperation as necessary to the creation or to the continued increase of the national wealth.

Mr. Perkins describes what he terms "The mighty revolution wrought during the last quarter of a century in the machinery and methods by which business is transacted." It is true that at an earlier period those methods were independent of Government favor, which was their great merit.

At present, in the readjustment made necessary by the recent Supreme Court decisions, there is a danger that the reaction from long-continued attacks upon the trusts might result in a solution founded upon a too great dependence on Government aid.

An interesting illustration of the point of view from which the question is at times discussed is the similarity which Mr. Perkins finds between the formation of a trust and the development of the

constitutional form of government of the United States. In his address of August 7 he said:

> Our very Constitution starts with the declaration: "We, the people of the United States, in order to form a more perfect union." The central thought of those men at that time was to effect a consolidation; to organize a holding company with 13 subsidiary companies; to create a monopoly in government in this country—and they said they did it to "establish justice, insure domestic tranquility, provide for the common defense and promote the general welfare." From that day to this, when any new government in this country set itself up as such and grew strong enough to be recognized as such, the original holding company took it over, absorbed it, and put it out of business as an independent government. It still had the right to retain its local self-government, but it had to swear allegiance to the holding company, and be loyal to the officers and policies of said holding company.
>
> After this holding company had been in existence for some time, and had taken over a great many subsidiary companies, a difference arose and some of the subsidiary companies declared that they had the right to withdraw and were going to withdraw, to set up a government of their own. The holding company said they could not withdraw, and a mighty war followed, in which the subsidiary companies, who tried to withdraw from the holding company, were forced to surrender and remain in the holding company.
>
> Almost an exact parallel has occurred in the development of our great corporations. At first the idea of a holding company—of a great corporation that supervised, with advice and counsel, the smaller and perhaps weaker concerns, was considered so novel as to be almost revolutionary and unsafe. In bringing some of these holding companies into existence fights and battles took place. We are told that some subsidiary companies were forced to join the holding company; but latterly, especially in very recent years, that spirit has passed away. The small company has been seeking admission to the large company, realizing that its best interests lay in such an arrangement.

This view of the Constitution and of our dual system of government would be surprising to anyone having a fair knowledge of our political institutions. The most radical of those often denounced by the representatives of the trusts as mere politicians could not invent a theory more subversive of our governmental system. Should a government of laws be subjected to the controlling influences of successful experts in accumulation and absorption, who ignore the law?

Ours is a commercial country—and something more, an industrial country—and something more, an agricultural country—and something more; neither do other wealth-producing agencies include all the activities or all the aspirations of the American people, nor do they represent all the elements creating the spirit of the Nation.

APPENDIX.

[Senate Document No. 89, Fifty-ninth Congress, first session.]

PUBLICITY OF ELECTION EXPENDITURES.

Mr. Tillman presented the following article on publicity of election expenditures, by Perry Belmont, from the North American Review for February. December 16, 1905. Ordered to be printed.

I. The total sum at the command of the Democratic National Committee in the Buchanan campaign was less than $25,000. The amount expended by the Republican National Committee during the Lincoln campaign of 1860 was a little over $100,000. The enormously increased campaign expenditures during several of the recent presidential campaigns are to be estimated in millions.

Does the contrast imply a corresponding increase of votes bought? Does the change mean that corporations have been brought into politics by assaults on the currency and on vested rights? Does it mean that money protects money, or that the war chest of protection is inexhaustible? Does it indicate that the destinies of the country are to be regulated by combined interests?

If a remedy is to be applied, should it be by new laws or by party organizations reforming themselves? Should the new laws be Federal? Should corporations, should trade unions, be permitted to give money in elections? Ought the people to know how much money is devoted to the defeat of a candidate, or policy, or party? Will publicity promote or impede such efforts? Would it not, if required under effective penalties, increase the efficiency of existing laws?

II. Only well-instructed public opinion can correctly answer such questions. Party leaders in intimate touch with the conduct of political campaigns appreciate the intolerable burdens and growing evils of present conditions. Those who have contributed to campaign funds and who have been closely identified with the more important corporate and political activities are among the most earnest advocates of measures tending to restrain such contributions, especially on the part of corporations. Those who represent interests of stockholders, or who are themselves stockholders, in corporations have, perhaps, most keenly recognized the menace of such increasing exactions. It is true that nothing need be added to the present legal rights of the stockholder, a single stockholder having already a complete right of action in case of expenditure of any portion of corporate funds for political purposes. Owing in part to the present difficulties of obtaining necessary information, individual stockholders have rarely been disposed to vindicate their rights. The enforcement of publicity by Federal and State laws will assist in bringing stockholders' suits.

Those who best know the danger lead in pointing out the practical avenues of escape. Unlike almost all other reform movements, this one has its origin among politicians. It starts in the very center of politics. Usually the reformer encounters objections arising out of the experience of those charged with party responsibilities.

Jackson, Democrat of Democrats, in his contest with the Bank of the United States, first recognized as an issue the threatened domination of national politics by corporate influences, and conquered, in what Prof. Sumner in his Life of Jackson calls "one of the greatest struggles between Democracy and the money power." The elements of that historic controversy seem now to be gathering for renewed conflict, but it is idle to attempt to identify the present movement, essentially nonpartisan in its nature and national in its extent, with either of the great political parties.

Close upon the heels of the Presidential campaign of 1892, in which, it is known, millions were expended on both sides, Mr. Root, speaking in the New York constitutional convention of 1894, in reference to the proposed incorporation into the State constitution of an amendment relative to corrupt practices, said (Revised Record, Vol. III, p. 877):

> The object of this provision is to * * * require the legislature to say what money may be used to procure the election of a candidate. Until that is done there is absolutely no limit to the corruption, no limit to the purchase of votes, no limit to the improper influence of votes of or parties or of party men. * * *
>
> That is a very small step in the direction of the corrupt-practices act in force in England, which has worked such admirable results. * * * If you enumerate the ways in which money may be used, * * * and then confine candidates for office, party committees, party agents, the agents of candidates, to those uses, and, as a penalty for any knowing departure from those limitations forfeit the office, you will have a very different state of affairs in respect to what * * * has become one of the great and crying evils of our politics. * * * The use of money has come to such a pass at the hands of both of the great political parties in this country that we find enormous contributions necessary to maintain party machinery, to conduct party warfare, and the effect is that great moneyed interests, corporate and personal, are exerting yearly more and more undue influence in political affairs, * * * and political parties are every year contracting greater debts to the men who can furnish the money to perform the necessary functions of party warfare.

The amendment reported from the judiciary committee was as follows:

> Article 2 is hereby amended by adding the following sections:
>
> "SEC. 6. The legislature shall, by general laws, declare the uses which may be lawfully made of money or other valuable things by or on behalf of any person to promote his nomination as a candidate for public office, and by or on behalf of a candidate to promote his election.
>
> "The use or promise of money or other valuable thing to promote the nomination for or election to public office of any person otherwise than is expressly authorized by law is prohibited, and the person by whom or for whose benefit, with his consent, connivance, or procurement, the same is so used or promised, if elected, shall forfeit his office.
>
> "SEC. 7. No corporation shall directly or indirectly use any of its money or property for or in aid of any political party or organization or for or in aid of any candidate for political office, or for nomination for such office, or in any manner use any of its money or property for any political purpose whatever, or for the reimbursement or indemnification of any person for moneys or property so used."

The third reading of the amendment was ordered by a vote of 72 to 21, but it did not pass, mainly because, power being already lodged

in the legislature, it was unnecessary to incorporate in the constitution of the State what was practically a statute.

Mr. Root, referring to the proposed restriction of corporate contributions, said:

> I think some qualification would have to be inserted, otherwise the general language would apply to such corporations as those which publish newspapers. * * * The idea is to prevent * * * the great railroad companies, the great insurance companies, the great telephone companies, the great aggregations of wealth from using their corporate funds, directly or indirectly, to send members of the legislature to these halls in order to vote for their protection and the advancement of their interests as against those of the public. It strikes at a constantly growing evil which has done more to shake the confidence of the plain people of small means of this country in our political institutions than any other practice which has ever obtained since the foundation of our Government. And I believe that the time has come when something ought to be done to put a check to the giving of $50,000 or $100,000 by a great corporation toward political purposes, upon the understanding that a debt is created from a political party to it. * * * I apprehend that many corporations which are now called upon before every election to contribute large sums of money to campaign funds would find in an absolute prohibition, with the penalty of the forfeiture of their charters, a reason why they should not make such contributions. I think it will be a protection to corporations and to candidates against demands upon them, and a protection to the people against the payment of consideration for contributions by them, to the injury of the representation of the people. It is, I repeat, because of the difficulty of proving and punishing the crime of buying votes that some other measures seem to be desirable (p. 897).

President Jackson, in a communication to his Cabinet, in 1833, condemning the use of funds of the bank in its attempt to secure a renewal of its charter, said:

> Having taken these preliminary steps to obtain control over public opinion, the bank came into Congress and asked a new charter. The object avowed by many of the advocates of the bank was to put the President to the test, that the country might know his final determination relative to the bank prior to the ensuing election. Many documents and articles were printed and circulated at the expense of the bank to bring the people to a favorable decision upon its pretensions. Those whom the bank appears to have made its debtors for the special occasion were warned of the ruin which awaited them should the President be sustained, and attempts were made to alarm the whole people by painting the depression in the price of property and produce and the general loss, inconvenience, and distress which it was represented would immediately follow the reelection of the President in opposition to the bank. (Messages and Papers of the Presidents, Vol. III, p. 6.)

The president of the bank was, by resolution of its directors, "authorized to cause to be prepared and circulated such documents and papers as may communicate to the people information in regard to the nature and operations of the bank." The expenditures purporting to have been made under the authority of such resolution were about $80,000, including the purchase of some 100,000 copies of newspapers, reports, and speeches made in Congress. The Government directors of the bank having called for a specific account of these expenditures, the board renewed the power already conferred and by resolution authorized its president "to continue his exertions for the promotion of said object." Referring to this propaganda, Jackson said, in the message above quoted:

> The bank is thus converted into a vast electioneering engine. * * *
> And the money which belongs to the stockholders and to the public has been freely applied in efforts to degrade in public estimation those who were supposed to be instrumental in resisting the wishes of this grasping and dangerous institution.

The refusal to render an account of the manner in which a part of the money expended has been applied gives just cause for the suspicion that it has been used for purposes which it is not deemed prudent to expose to the eyes of an intelligent and virtuous people. Those who act justly do not shun the light, nor do they refuse explanations when the propriety of their conduct is brought into question.

In his fifth annual message Jackson said:

The question is distinctly presented, whether the people of the United States are to govern through representatives chosen by their unbiased suffrages or whether the money and power of a great corporation are to be secretly exerted to influence their judgment and control their decisions. It must now be determined whether the bank shall have its candidates for all offices in the country, from the highest to the lowest, or whether candidates on both sides of political questions shall be brought forward as heretofore and supported by the usual means.

Again the relation of the money of corporations to party organizations and the ballot has become an issue, but we now approach it in a more tolerant spirit than that animating the contentions of an earlier period. In the recent presidential campaign it awakened a recognition by both the leading candidates of its extent and of its consequent dangers. The necessity for remedial legislation has since found expression in the following recommendations of the President's message:

The power of the Government to protect the integrity of the elections of its own officials is inherent, and has been recognized and affirmed by repeated declarations of the Supreme Court. There is no enemy of free government more dangerous and none so insidious as the corruption of the electorate. No one defends or excuses corruption, and it would seem to follow that none would oppose vigorous measures to eradicate it. I recommend the enactment of a law directed against bribery and corruption in Federal elections. The details of such a law may be safely left to the wise discretion of the Congress, but it should go as far as under the Constitution it is possible to go, and should include severe penalties against him who gives or receives a bribe intended to influence his act or opinion as an elector, and provision for the publication not only of the expenditures for nominations and elections of all candidates, but also of all contributions received and expenditures made by political committees.

III. Therefore, upon the highest and best authority, it is evident that something should be done. Facts are more persuasive in an appeal to public opinion than the most powerful argument, especially upon a subject about which almost everyone has views more or less well founded.

American patriotism is a living reality and finds expression during national presidential elections. However great the prosperity of the United States, sentiment and ideals are in the end the most controlling forces. There is on that account a good deal of sensitiveness in regard to our electoral practices rather than to our electoral system, but the resulting criticism is a healthy one and does not mean, to those who understand it, that politics in America are more corrupt or less inspiring than in other countries; but it does mean that the American people insist that their politics shall be less corrupt and more inspiring. Conditions here prevailing demand that we seek in our own historical experience guidance to determine the way to further effectual progress. The principle at the foundation of American political institutions is essentially that of individualism and self-direction.

IV. To guide us in the solution of the problem there are abundant legislative precedents. Fifteen States have, since 1890, adopted so-

called "corrupt-practices acts" to restrain and limit rapidly increasing campaign contributions and expenditures.

The first of these laws was enacted in New York in 1890. It defined such practices in some detail, but was very ineffective, requiring merely reports of the expenditures of candidates, there being no regulation or limitation concerning expenditures by political committees.

The corrupt-practices laws passed in the following year by Colorado (Laws 1891, p. 167) and Michigan (Laws 1891, ch. 190) followed very closely the New York act in its definition of corrupt practices, adding a requirement that party committees must also report all receipts and expenditures for campaign purposes.

In 1892 Michigan enacted a much more elaborate statute, making provision not only that campaign committees should report their receipts and expenditures, and regulating the details of the accounts of such committees, but that all expenditures on behalf of candidates, with few exceptions, must be made through the party committees. Proper provisions were also made for the enforcement of the act.

This law went further in the direction of the English corrupt-practices act of 1883 than any of the other statutes above mentioned. Owing to conditions incident to our political system, and particularly in view of the number of candidiates voted for at the same time and upon the same ticket, it is impossible to follow closely the English law.

The Massachusetts law, which went into effect on August 1, 1892, is entitled "An act to prevent corrupt practices at elections, and to provide for publicity in election expenses."

It permitted a candidate to spend, without restriction except as to certain personal expenses, any sum of money to secure his nomination or election, provided that the expenditures be effected through a political committee.

The Massachusetts law defines political committees as including "every committee or combination of three or more persons who shall aid or promote the success or defeat of a political party or principle in a public election, or shall aid or take part in the nomination, election, or defeat of a candidate for public office." It further provides that every individual who "otherwise than under the authority and in behalf of a political committee, receives or disburses money for any of the above-named purposes shall be subject to the requirements of the act, the same as a political committee or its treasurer." Every such committee is required to have a treasurer, who must, within thirty days after an election, if the total receipts or expenditures of the committee exceed $20, file a sworn statement "setting forth all the receipts, expenditures, disbursements, and liabilities of the committee and of every officer or other person acting under its authority and in its behalf." The vouchers must state the particulars of expense in respect to every payment over $5. Expenditures for certain objects specified in the act, such as stationery, postage, telegrams, and other similar expenses personally incurred by a candidate, need not be included in his statement.

The effect of this law is to secure almost complete publicity and public record in respect to expenditures for the nomination and election of candidates. Political committees are forbidden to solicit contributions from candidates, who, however, may "make a voluntary

payment of money * * * for the promotion of the principles of the party which the committee represents and for the general purposes of the committee." This provision is directed against the practice of political assessments.

A violation of the provisions of the law is punishable by a fine not exceeding $1,000, and in certain cases with the alternative of imprisonment for not more than one year. Any person, upon the petition of any candidate voted for or of any five qualified voters, may be compelled to file a correct and proper statement by the courts.

In the year following the passage of the Massachusetts law the Legislatures of California (Laws 1893, Ch. II) and Missouri (Laws 1893, p. 157) passed corrupt-practices laws which went a step in advance of the Massachusetts statute. In California the expenditures by or for a candidate were limited, and by the Missouri law a maximum was placed upon the total expenditure of a candidate directly or through committees. The California law was prepared with special care, and is more detailed in its provisions than that of perhaps any other State. In both Missouri and California and in Kansas reports of both candidates and committees are required.

The Kansas statute (Laws 1893, ch. 777, repealed 1903) was very similar to that of Missouri, with the exception that there was no restriction upon the maximum amount of expenditure permitted. The extension of this class of legislation from 1892 to 1895 was very rapid. In the latter year six States, in addition to the seven already mentioned, adopted legislation requiring publicity in respect to campaign expenses. The Arizona law (Laws 1895, ch. 20) and that of North Carolina (Laws 1895, ch. 157) were not so advanced in their provisions as the Missouri law, resembling rather the comparatively ineffective New York law. The Arizona statute, however, contains a provision similar to that of Colorado, requiring that party committees as well as candidates shall report campaign receipts and expenses.

A law passed in Kentucky (ch. 338) retained the general features of the Massachusetts law, but omitted much of the detail to be found in the latter act.

Nevada (Laws 1895, ch. 103) copied the California law, with slight changes in respect to the maximum of expenditures permitted, which was somewhat lower. This statute, however, has been since repealed. (Laws 1899, ch. 103.)

The Michigan statute, which has been referred to as comparatively deficient and ineffective, was repealed in 1901. (Ch. 16.)

The Montana law, passed in 1895 (Penal Code 1895, sec. 80 ff), follows the Massachusetts law, but imposes limitations upon the personal expenses and upon the contributions of candidates.

The Minnesota law of that year (Laws 1895, ch. 277), which in substance follows the Missouri statute, was in one respect the most complete that had been adopted at that time. The following very detailed definition of legitimate expenses, following the practice of the English act, was made:

1. For the personal traveling expenses of the candidate.
2. For the rent of hall or rooms for the delivery of speeches relative to principles or candidates in any pending election and for the renting of chairs and other furniture properly necessary to fit such halls or rooms for use for such purposes.

3. For the payment of public speakers and musicians at public meetings and their necessary traveling expenses.
4. Printing and distribution of lists of candidates or sample tickets, speeches, or addresses, by pamphlets, newspapers, or circulars relative to candidates or political issues, cards, handbills, posters, or announcements.
5. For challengers at the polls at elections.
6. For copying and classification of polling lists.
7. For making canvasses of voters.
8. For postage, telegraph, telephone, or other public messenger service.
9. For clerk hire at the headquarters or office of such committee.
10. For conveying infirm or disabled voters to and from the polls.

In 1896 Utah and Ohio were added to the rapidly growing list of States that had adopted more or less satisfactory corrupt-practices acts. The Utah act (Laws 1896, ch. 56) merely required that candidates and committees report their election expenditures.

The Ohio law (Laws of 1896, p. 123) was known as the "Garfield corrupt-practices act." It provided that the candidate's expenditures should be limited to $100 for 5.000 voters or less, but should not exceed $650 in any case. Its provisions were also applicable to candidates before conventions or primaries as well as before elections. Political committees were defined and were required to have a treasurer, who, as well as every person receiving or disbursing money aggregating more than $20, was required to keep detailed accounts, a statement of which, including receipts and expenditures, must be filed with the county clerk. The office of a successful candidate found guilty of violation of the act could be declared vacant at any time during the incumbency of the offending person. The chief defect in this law was that it contained no definition of legitimate or illegitimate expenses. It was especially elaborate, containing several novel features, and its repeal in 1902 (Laws of Ohio, p. 77) may be regarded as the most important of the few reverses which the movement for the general adoption of corrupt-practices acts has yet suffered.

The only State to pass such a law in 1897 was Wisconsin. (Laws of 1897, ch. 358.) This act defined offenses against the suffrage, required reports of expenditures by candidates and committees, and restricted the purposes of such expenditures.

A very important innovation, which was adopted in each of the States of Tennessee, Florida, and Nebraska in 1897, independently of other provisions relating to corrupt practices, was the absolute prohibition of contributions by corporations to parties or candidates.

In 1897 (Laws of 1897, ch. 185) the provision of the North Carolina corrupt-practices act for reporting expenses was repealed.

In 1898 no new measures concerning elections, of substantial importance, were passed, legislation in that respect being limited to minor details or the codification of existing measures.

In 1899 Nebraska perfected its law of 1897 and was added to the list of States adopting corrupt-practices acts (Laws of 1899, ch. 29), but Nevada repealed its law in that year.

In 1902 corrupt-practices laws were passed in Vermont and Virginia. The latter statute (sec. 145*a*, code 1904) prohibits the expenditure of money in any election, primary, or nominating convention for purposes other than of printing or advertising in newspapers or in securing suitable halls for public speaking. It requires every person who shall be a candidate before any caucus or convention, or at any primary or other election, to file a statement in

writing "setting forth in detail all sums of money contributed, disbursed, expended, or promised by him, and, to the best of his knowledge and belief, by any person or persons in his behalf * * * showing the dates when, and the persons to whom, and the purposes for which, all such sums were paid, expended, or promised."

It is further provided that in case of a violation of the law the election of the offending candidate shall be void, unless, contest being made, it appears that the contestant is entitled to the office. No person shall enter upon the duties of any elective office until the required statement shall have been filed.

The passage of laws insuring publicity in connection with expenditures in elections was strongly recommended in the last annual message of the governor of West Virginia.

It appears, therefore, that at least fifteen States have adopted corrupt-practices acts, and that in several States contributions by corporations to political compaign funds are prohibited. The first corrupt-practices act requiring publicity of candidates' expenditures was passed in 1890, and in 1897 corporations were for the first time prohibited from making campaign contributions; so the development of the law on this subject must be considered exceptionally rapid and satisfactory. It seems probable that in their operations such laws, by curtailing the amounts expended in campaigns, have proved obnoxious to a certain type of professional politicians. In the few cases where they have been repealed interests adversely affected by them were enabled to take advantage of temporary and purely local conditions in overruling a comparatively unorganized public sentiment.

At the time of the repeal of the Ohio (Garfield) law, Mr. James R. Garfield, its author, said he had hoped the legislature would amend rather than repeal it. A few of its provisions were unnecessary, and could easily have been cut out of the bill. An amendment favored by Mr. Garfield had been prepared, but it was defeated. Even township officers, elected without the expenditure of money, were compelled to make statements. These and other slight defects in the law encouraged a determined effort on the part of certain politicians to discredit its operations. In Springfield the mayor was ousted from office on account of the operation of its provisions, and a probate judge lost his office. Mr. Garfield believed that "it put a check upon the wholesale spending of money in campaigns." It was an excellent law and should have been continued in an amended form. It was plainly constitutional and had been thoroughly tested in every point by the supreme court of the State.

The inception, the development, the retarding, the progress and effect of these laws resemble closely the circumstances and the beneficial results attending the ultimate triumph of the civil-service laws.

The English corrupt and illegal practice prevention act (46 and 47 Victoria, ch. 51) has influenced the course of legislation in this country, embodying in substance, first, a strict limitation on the amount which can be expended in furtherance of the election of a member of Parliament; second, the manner in which such funds may be expended, and third, publicity as to the sources and disbursements of the funds so employed.

A candidate may act as his own election agent, but the almost universal practice is to appoint some one, usually a solicitor, and often

a nonresident of the borough for which the candidate is standing, to assume entire charge of the expenditures.

Upon the election agent is reposed the responsibility of the appointment of every polling agent, clerk, and messenger employed on behalf of the candidate at an election and the hiring of every committee room used in the campaign.

The act further provides:

28. Except as permitted by or in pursuance of this act, no payment * * * shall be made by a candidate at an election, or by any agent on behalf of the candidate, or by any other person at any time, whether before, during, or after such election, in respect of any expenses incurred on account of or in respect of the conduct or management of such election otherwise than by or through the election agent * * * and all money provided by any person other than the candidate for any expenses incurred on account of or in respect of the conduct or management of the election, whether in gift, loan, advance, or deposit, shall be paid to the candidate or his election agent and not otherwise.

Every payment made by an election agent or a subagent must, except where less than 40 shillings, be vouched for by a bill stating the particulars and by a receipt.

Another instance of the drastic nature of the act is the prohibition against treating or the giving of any entertainment to voters during the period of the canvas, it being provided, chapter 41, section 1:

(1) Any person who corruptly, by himself or by any other person, either before, during, or after an election, directly or indirectly, gives, provides, or pays, wholly or in part, the expense of giving or providing meat, drink, entertainment, or provision to or for any person, for the purpose of influencing any vote, or on account of such person or any other person having voted or refrained from voting or being about to vote or refrain from voting at such election shall be guilty of treating.

which, as above defined, is made a corrupt practice within the meaning of the act.

Contributions for charitable purposes subsequent to the public announcement of the candidate's intention to stand for a borough is also discouraged by the operation of the act.

The act limits the personal expenses of candidates to £100, of which a statement must be made to the agent. It prohibits any payment for the hiring of horses, carriages, or for railway fares, or to an elector for the use of any house, land, building, or premises for the exhibition of any address, bill, or notice, or on acount of committee rooms in excess of a stipulated number.

The act limits the number of persons who may be legally employed by a candidate as deputy election agents, polling clerks, messengers, clerks, etc., in proportion to the number of electors in the borough or county for which the candidate stands.

Expenses in respect to miscellaneous matters other than those enumerated in a schedule forming part of the act may not exceed in the whole the maximum sum of £200. The maximum expenditure in a borough, for all purposes other than personal expenses and sums paid to the returning officer for his charges, is limited in proportion to the number of electors on the register. The maximum of expenditure is £330, in case the number of electors on the register exceeds 2,000, and for every complete 1,000 electors above 2,000 an additional £30. In a county, the maximum expenses, if the number of electors on the register does not exceed 2,000, is £650 in England and Scotland and £500 in Ireland; if the number of electors exceeds 2,000 the maximum is £710 in England and Scotland and £540 in

Ireland, and an additional £60 in England and Scotland and £40 in Ireland for every complete 1,000 electors above 2,000.

Clause F of section 33 provides that a statement must be made of all subscriptions received by the election agent for any purpose, on account of the conduct or management of the election, with a statement of the name of every person from whom the same has been received.

This clause insures the fullest publicity in respect to any contributions made to a parliamentary campaign fund.

V. The legislation of so many States, thus reviewed, has heretofore possessed local rather than national significance and has followed a recognition of evils peculiar to those States. Conditions prevailing in presidential campaigns have now made the problem national.

The Constitution provides that each State shall appoint presidential electors, in such manner as its legislature shall direct. While, therefore, in theory it may be contended that the choice of presidential electors is a State function, elections at which they are chosen are held at the same time as the congressional elections, have become Federal in character, and, as such, the subject of Federal regulation. The express powers of Congress to effect such regulations are derived from the fourth section of the first article of the Constitution:

> The times, places, and manner of holding all elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations except as to the place of choosing Senators.

While the authority of the State and National governments is concurrent, that of the latter is paramount. Congress can adopt any means, qualification, or regulation which the States have enacted, including provision designed to insure the publicity and limitation of expenditures in connection with congressional elections.

It can not be doubted that Congress may assume the entire control of the election of Representatives, and this power, as declared by the Supreme Court, "necessarily involves the appointment * * * of the officers for holding the election * * * and every other matter relating to this subject" (100 U. S., 396); and, as declared by Mr. Justice Miller, "Congress can by law protect the act of voting, the place where it is done, and the man who votes from personal violence or intimidation, and the election itself from corruption" (110 U. S., 661).

It is, moreover, equally clear that Congress has complete and paramount jurisdiction over the choice of presidential electors, provided that congressional representatives are also chosen at the same election.

Referring to the power of Congress to regulate the election of its members, the Supreme Court said:

> If this be so, and it is not doubted, are such powers annulled because an election for State officers is held at the same time and place? Is it any less important that the election of members of Congress should be the free choice of all the electors because State officers are to be elected at the same time? (110 U. S., 661.)

It has been held by the Supreme Court (127 U. S., 731) that it is not necessary to prove that an act, relating to the conduct of an election at which a Congressman is chosen, was committed with "the

specific intent or design to influence the congressional election." The Supreme Court further held that "the object to be attained by these acts of Congress is to guard against the danger, and the opportunity," of committing objectionable acts "as well as against direct and intentional frauds upon the vote for members of that body," and that the power of Congress can be invoked whenever such election is "exposed or subjected * * * to the opportunity * * * or to the danger" of such acts "as may affect that election, whether they actually do so or not."

It would not, therefore, be possible to evade the operation of a Federal statute prohibiting the secret contribution or expenditure of money in connection with any election at which a Congressman may be chosen, on the pretense that there was an absence of intent to influence the congressional election, or that the contributions or expenditures were directed solely to secure the election of presidential electors or State officers.

It is sufficient that the prohibited act should create a "danger" or "opportunity" of improperly influencing the election. As declared by the Supreme Court in the case last quoted:

> There are many instances when an act may be criminal in its character without there being a criminal intent. * * *
>
> The case before us is eminently one of this character. Crimes against the ballot have become so numerous and so serious that the attention of all legislative bodies has been turned with anxious solitude to the means of preventing them, and to the object of securing purity in elections and accuracy in the returns by which their result is ascertained. The acts of Congress and of the State of Indiana now under consideration are of this class, * * * and to say that the * * * want of an intention on the part of persons who are alleged to have acted feloniously in the violation of those laws excuses them because they did not intend to violate their provisions as to all the persons voted for at such an election, although they might have intended to affect the result as regards some of them, is manifestly contrary to common sense and is not supported by any sound authority (127 U. S., 755).

An indictment under the Federal statutes for illegal voting and for bribery has been upheld, although it was not charged that the ballot cast contained the name of a person voted for for Representative in Congress, nor that the bribe was given with the intent to influence the voter in respect to the congressional election:

> When congressional and local elections are held at the same time and places, and mixed ballots are cast, as is the practice in Indiana, it is a misleading refinement, I think, to say that there are two elections—a national and a State—held at the same time. It is one election, for the conduct of which the two sovereignties have a common concern, though interested in several results (Ex parte Siebold, 100 U. S., 371); and Congress having unquestionably the paramount and, when it sees fit to assert it, the exclusive power to regulate such elections, must, in the first instance at least, determine for itself what regulations are necessary or expedient; and it is not the province of the courts to restrict or annul any enactment on the subject, on the ground that it is not within the powers of Congress, unless it be demonstrable that in no event, and under no circumstances, the offense defined, and coming within the letter and spirit of the enactment, could affect the election for Representatives in Congress. * * * It is manifest that regulations and restrictions which permitted inquiry, whether the offender in such respects intended to intimidate or influence the conduct of voters in respect to one office or another, would be inefficient, because easily evaded. Once concede that the indictment for bribery of a voter, in order to be good under the Federal statute, must charge an attempt to affect the congressional election, and the speedy result will be, not less bribery in respect to that election, but more likely a large increase, contrived and conducted in such a way as to prevent proof of the real purpose, by pretenses of different purposes (29 Fed. Rep., 898–899).

The purport of legislation requiring publicity in respect to campaign expenditures is to secure the freedom of elections from improper influences. To this end the indirect restraints of the corrupt-practices acts are more effectual than the direct prohibitions and penalties of statutes, Federal or State, penalizing bribery.

The adequacy of existing laws to punish one proved guilty of bribery may be admitted as a general proposition. That specific legislation of this nature has not proved effective to protect the free exercise of the franchise from the undue influence of campaign expenditures must also be admitted. It is a crime which is not readily susceptible of direct proof. The remedy sought in the statutes already cited and in the suggested Federal legislation is rather one of prevention by indirection. It is the limitation and regulation of the possible sources and agencies of corruption which is of primary practical importance. The chief inducement to bribery must be removed by throwing safeguards about the present irresponsible use of campaign funds. The chief remedy proposed by such legislation is publicity, not purely police or penal regulation of the grosser forms of bribery.

It can not be successfully contended that Congress has not constitutional power to insure, by enforcing publicity, an end which in the exercise of its undoubted authority it has sought to reach by more direct, but less effective legislation.

The Supreme Court has declared:

> If this Government is anything more than a mere aggregation of delegated agents of other States and governments, each of which is superior to the General Government, it must have the power to protect the elections on which its existence depends from violence and corruption. * * *
>
> If this be so—and it is not doubted—are such powers annulled because an election for State officers is held at the same time and place? Is it any less important that the election of Members of Congress should be the free choice of all the electors because State officers are to be elected at the same time?
>
> In a republican government like ours, where political power is reposed in representatives of the entire body of the people, chosen at short intervals by popular elections, the temptations to control these elections by violence and by corruption are a constant source of danger.
>
> If the Government of the United States has within its constitutional domain no authority to provide against these evils, if the very sources of power may be poisoned by corruption or controlled by violence and outrage without legal restraint, then, indeed, is the country in danger, and its best powers, its highest purposes, the hopes which it inspires, and the love which enshrines it are at the mercy of the combinations of those who respect no right but brute force on the one hand and unprincipled corruptionists on the other (110 U. S., p. 661).

Upon all existing precedent and authority a Federal statute forbidding the secret expenditure of money to influence an election at which a Congressman is to be chosen would be valid and effectual to compel publicity in respect to all expenditures tending to influence the election of any candidate at such election. This would include presidential electors. A large number of the States having already required publicity of expenditures by political State committees, Congress may, on such initiative, require of political committees engaged in promoting the election of presidential and congressional candidates a similar publicity, such elections being held at the same time.

VI. Concurrent enactments could be adopted in the several States in accordance with the encouraging tendency of the legislation of the 15 States already enumerated.

It is especially incumbent upon the State of New York, having, in 1890, taken the initiative in this form of legislation, to at once supplement its deficient and ineffective law. New York, an important center of political activity in national campaigns, should place itself in line with the most advanced legislation of other States. Owing to the failure of the New York statute to require any statement from political or campaign committees it is possible to avoid publicity in respect to expenditures for any amount or for any purposes. If an irresponsible committee and not the candidate can be made the medium of disbursements, evasion of the existing law is invited. Should publicity be required of committees, under penalty of forfeiture of office and other effective punishments, such as are provided in several States, the New York law would be rendered operative.

VII. Should publicity of expenditures by political committees have the effect of reducing campaign contributions, political machinery and party efficiency would not be harmed. The reduction would cut off the camp followers, whose slight party affiliations serve no other purpose than to give occasion for utterly useless and extravagant expenditures. A political organization can not be too perfect to be effective, but managers of national, State, and local committees have often experienced the injury caused by the employment of unnecessary campaign funds, absorbing and diverting from their normal and more effective functions the vital energies of political leadership.

Party organizations are essential to party government; their importance and usefulness in our political system should be fully recognized. They can not be maintained without the expenditure needed in legitimate and honest politics, but no popular organization, commanding a sufficient amount of interest among its followers, will suffer permanent disability because of limitations and restraints upon contributions and expenditures. The great denominational religious organizations of this country are supported in great part by small contributions. When political organizations are sustained by the large subscriptions of the few, their activities become paralyzed by the development of a spirit of dependence on the few.

Voters should be informed by unrestricted and general diffusion of facts and arguments pertinent to the issues before the country. The great mass of voters reach their conclusions with little assistance from the instrumentalities toward which campaign expenses are too often directed. Newspapers and periodicals are a more effective educational force than tons of pamphlets usually distributed during elections.

Voters depend upon the great parties to frame issues to command their support and to nominate properly qualified candidates. If a party organization does not prove equal to this task, it is a matter of small moment that it succeeds in raising large sums or in perfecting a machine that absorbs and distracts the major portion of the political activity at the command of the party.

Contributions by corporations should be restricted. The freedom of individuals to contribute according to their means and inclinations to party organizations need not be interfered with by legislation. There is, however, no inherent individual right to secrecy in respect to activities influencing the great court of public opinion, which, as

the result of each national election, passed upon the rights and property of all. The turning on of the light can not be deemed an unconstitutional increase of Federal or State control.

PERRY BELMONT.

FIRST ANNUAL REPORT OF THE NEW YORK STATE PUBLICITY LAW ORGANIZATION.

NEW YORK, *November 20, 1906.*

The committee on the annual report appointed by the executive committee of the New York State Publicity Law Organization respectfully submits the following statement of the proceedings of the organization and the work accomplished by it during the year following its organization, November 20, 1905:

Following the publication in the February, 1905, number of the North American Review of an article upon publicity of election contributions and expenditures by the Hon. Perry Belmont, and the very general demand for an amendment of the existing publicity provisions of the New York statutes, the defects in which were made strikingly apparent in Mr. Belmont's article, a number of men associated themselves in a committee, under the leadership of Mr. Belmont, and joined in framing a publicity bill, which was presented to the New York State Legislature at the session of 1905.

A brief explanation of the defects of the statutory requirements for the publicity of campaign contributions and expenditures then existing, and of the provisions of the measure which was framed to meet these defects will perhaps be requisite to a complete understanding of the necessity for the existence of the publicity organization, as well as of the objects which it seeks to accomplish.

THE FIRST PUBLICITY LAW.

The State of New York in 1890 enacted the first publicity law, which limited the requirement of publicity to campaign expenditures made by candidates. That law was obviously ineffective and inadequate. It provided for no regulation whatever of expenditures by political committees, and the limited degree of publicity for which it made apparent provision could be readily defeated by candidates employing, as usually was the case, a political committee as a medium of their campaign disbursements. No individuals, except candidates, and no organizations or committees were required to make public their campaign expenditures, and there was no provision whatever for the publication of campaign contributions.

Following the lead taken by New York in 1890 Michigan and Colorado adopted measures closely resembling the New York act, but added the essential requirement that party committees must also report all contributions and expenditures for campaign purposes. Other and more elaborate acts were passed by Michigan and Massachusetts in 1892. The Massachusetts law defined political committees as including "every committee or combination of three or more persons, who shall aid or promote the success or defeat of a political party or principle in a public election, or who aid or take part in the

nomination, election, or defeat of a candidate for public office," and required that such committees should have a treasurer, and that the latter must, within 30 days after the election, file a sworn statement of the total receipts or expenditures of the committee exceeding $20, "setting forth all the receipts, expenditures, disbursements, and liabilities of the committee and of every officer or other person acting under its authority and in its behalf."

These and other provisions of the Massachusetts act were of such a practical and effective nature as to insure almost complete publicity and public record in respect to expenditures for the nomination and election of candidates.

The Massachusetts act has, from time to time, been amended as experience has suggested, and it has received a large and increasing public support, which has more and more compelled its observance and enforcement.

OTHER STATES FALL INTO LINE.

In the years following the passage of the Massachusetts law, bills providing for the publication of campaign contributions and expenditures were passed in a large number of States. In 1905, 15 States had adopted acts of this character, many of them being carefully considered and effective measures.

The wholly inadequate law of this State in respect to publicity remained without amendment during these years of rapid and successful development along the lines of legislation securing publicity of campaign contributions and expenditures. Responding to a growing recognition, as well among practical politicians as among the community at large, of the fact that political conditions had resulted in a great increase of unnecessary expenditures for political purposes in campaigns, and in a most unsatisfactory relation of candidates and political committees to the public, Mr. Perry Belmont organized a publicity committee, comprising public men of both political parties, many of whom were prominent in political life, to draft an effective publicity measure.

The measure originally framed by the publicity committee was in its substantial provisions identical with and practically the same as that presented to and passed by the legislature at the session of 1906, as the result of the work of this organization. It provided in brief that the committees should account not only for their expenditures and for the moneys they receive, but for the sources of all contributions and for their liabilities and expectations.

EVASION OF THE LAW PREVENTED.

Possible evasion of the law by deferring the time of payment or receipt of moneys until after the date fixed for the public accounting by such committees was thus effectually prevented. The bill proceeded further to require each member of the committee to make a statement to the treasurer and the treasurer to make a statement to the whole committee. The bill also provided that written and detailed vouchers for all expenditures should be obtained and preserved; that the contributions should be made and recorded in the true name of the contributor, and that every committee and every person, directly or indirectly paying or contributing any money or valuable thing to aid or influence an election, except to a candidate, or a political committee or member thereof, or to an agent duly authorized

thereof, in writing by such committee or candidate, should file a statement setting forth all such receipts and expenditures with the secretary of state.

THE MEASURE FAILED IN 1905.

This measure was incorporated with certain provisions relating to the subject of corrupt practices which had originally been proposed by Judge D. Cady Herrick and others, and which had no connection with the subject of publicity, which was the sole concern of the committee headed by Mr. Belmont. The bill thus framed was introduced in the senate in 1905 by Senator Brackett and in the house by Assemblyman George M. Palmer. The provisions relative to corrupt practices being found too drastic and impracticable were stricken out of the measure, which was passed by the senate in the form adopted by the publicity committee, and in that form favorably reported by the judiciary committee of the assembly.

Owing to the amendment of the bill by the assembly in the closing days of the session, the final passage of the measure was rendered impossible.

PERSISTENT WORK OF THE ORGANIZATION COMMITTEE.

Subsequent to the session of the legislature, revelations in connection with the contributions of corporations and others to political committees aroused public opinion to an irresistible demand for remedial legislation, and it became apparent that the principle of publicity advocated by the publicity committee embodied the only remedy adequate to meet the demands of what had come to be deemed in the public mind an intolerable situation.

Upon this subject Mr. Belmont received numerous letters from W. J. Bryan, Carl Schurz, Edward M. Shepard, Samuel Gompers, Francis Lynde Stetson, John E. Parsons, and others. Senator Gray wrote as follows:

> Corrupt practices acts have been largely unavailing and seemingly incapable of being enforced. Compelled publicity as to contributions and campaign expenses will be more efficient than all of them put together toward suppressing the evil of electoral corruption. It will work automatically and require no legal machinery of pains and penalties to enforce it. I mean that, when the publicity is once enforced, the beneficial results flow automatically without the intervention of penal legislation.

Under these circumstances it was deemed necessary not only to carry to completion the work inaugurated by the committee, but to enlarge its membership and form a permanent organization.

With that end in view, a meeting of the publicity committee was held at the Astor House on Monday, November 20, 1905. Among those present at this meeting were:

Edward M. Grout.	George W. Jackson.	A. H. Eastmond.
Herman A. Metz.	Samuel Strausbourger.	Wm. S. Gray.
George Harvey.	Eugene O'Rourke.	C. H. Rockwell.
John N. Bogart.	John Fox.	W. H. Richardson.
George J. Phillips.	Alfred J. Selisberg.	Francis G. Coates.
William Klein.	Joseph P. Hennessy.	H. D. Dumont.
Edward Feeney.	Charles V. Fornes.	N. B. Killmer.
John S. Crosby.	Eugene A. Philbin.	J. D. Crimmins.
Martin Saxe.	F. Gottsberger.	Irwin A. Powell.
William Hoge.	W. P. Mitchell.	Perry Belmont.
John R. Dunlap.	Henry H. Sherman.	
Robert M. Campbell.	D. H. Von Glahn.	

Senator Fox presided. Mr. Belmont was elected as chairman of the meeting, and Mr. John N. Bogart as secretary.

The chairman outlined the history of the organization and explained its work and purposes. Mr. Metz then offered the following resolution:

Whereas the committee which prepared and advocated the enactment at the last session of the legislature of the bill providing for the publication of campaign contributions and expenditures by political committees has decided to continue its efforts to secure the passage of the proposed measure:

Resolved, That the committee, with a continuance of its nonpartisan and representative character always in view, be enlarged and, in order to expedite and promote the necessary and important work of the committee, additional members be elected at this meeting.

LIST OF COMMITTEEMEN AUGMENTED.

Pursuant to the adoption of this resolution, Mr. Grout suggested that new names should be added to the following list of members of the committee, which was then read:

Edward M. Grout.
Edward M. Shepard.
Herman A. Metz.
Bird S. Coler.
Norman E. Mack.
Melville E. Stone.
Oscar S. Straus.
John Ford.
Edward Lauterbach.
Edward Mitchell.
J. Hampton Robb.
Augustus Van Wyck.
Col. George Harvey.
Hugh J. Grant.
J. Edward Simmons.
Cord Meyer.
Charles A. Towne.
A. J. Boulton.
John N. Bogart.
Samuel B. Donnelly.
George J. Phillips.
James P. Holland.
John W. McDonald.
George W. Baumann.
William Klein.
Edward Feeney.
T. L. Feitner.
John S. Crosby.
William Sulzer.
Martin W. Littleton.
Martin Saxe.
Jacob Marks.
John M. Quinn.
Edward H. Fallows.
Herman Ridder.
William Hoge.
John R. Dunlap.
George T. Moon.
James McKeen.
William McCarroll.
Clarence Whitman.
Robert M. Campbell.
George W. Jackson.
Eugene Earle.
Samuel Strasbourger.
George W. Wickersham.
Perry Belmont.

Upon the motion of Mr. Grout, the chair was authorized to appoint a committee on legislation, and certain amendments to the bill advocated by the committee during the previous year were suggested, and the committee adjourned subject to the call of the chair.

A committee was appointed by Mr. Belmont to redraft the committee's bill and to aid in securing its passage, composed as follows: Charles A. Gardiner, chairman; John F. Dillon, ex-Gov. Frank S. Black, Francis Lynde Stetson, John S. Crosby, John Ford, Edward Mitchell, Edward Lauterbach, Edward M. Shepard, Comptroller Edward M. Grout, John G. Milburn, De Lancey Nicoll, John R. Dos Passos, Martin W. Littleton.

BILL AGAIN INTRODUCED IN THE LEGISLATURE OF 1906.

The bill prepared by this committee was drawn in the light of the experience of other States in the enactment and enforcement of similar measures and was introduced in both branches of the legislature upon the opening day of the session of the New York State Legislature for the year 1906. The bill received careful consideration, both upon its public hearings and in committee. Certain immaterial amendments were made by the judiciary committee of the assembly, but in a manner which met with the unqualified approval of the pub-

licity bill organization, in behalf of which the Hon. Perry Belmont telegraphed to Hon. Robert L. Cox, chairman of the assembly judiciary committee, as follows:

After a meeting of our executive committee, at which the bill reported by the assembly judiciary committee, of which you are chairman, was considered, I desire to congratulate you and your associates on the public-spirited manner in which you have performed the duty devolved upon you in this difficult and important matter. The amendments you have incorporated in the bill as originally presented to the legislature at the instance of our organization are in themselves evidence that your committee and our organization are in complete accord as to the main purpose of the proposed law.

A public hearing was accorded the bill by the judiciary committee of the assembly on January 30, 1906, and was largely attended by representatives of the publicity organization and others. Reference was made at this hearing to the work of the National Publicity Organization, and the judiciary committee were impressed by the fact that as a result of the national organization the promoters of the local publicity bill had been in touch with the promoters and supporters of similar measures in all parts of the country. It was pointed out that at a meeting of the national organization in Washington between 15 and 20 of the States were represented, and that as a result of the work and experience of the national organization and the cooperation with those having practical experience with the operation and enforcement of publicity measures in other States which it rendered possible the bill presented to the New York Legislature by the publicity organization embodied the most practical and effective features theretofore adopted by the several States.

PUBLICITY BILL PASSED AND SIGNED BY THE GOVERNOR.

With the exception of the amendments to the bill proposed in committee, which were entirely in accord with its essential purposes and which were entirely acceptable to the publicity organization, the bill passed the assembly in the form in which it was originally drafted. While under consideration of the judiciary committee of the senate, a public hearing was had, at which Mr. Belmont and others explained the necessity for and general features of the bill. It was favorably reported from the judiciary committee of the assembly and was passed by that body in the closing days of the session. The bill was approved by the governor, who had throughout its legislative history shown himself to be heartily in accord both with the objects sought to be attained by the bill and with its specific provisions.

COURTESY OF THE GOVERNOR ACKNOWLEDGED.

At the close of the session of 1905, when the publicity bill had been practically defeated by the adoption of an immaterial amendment so near the close of the session of the legislature as to render its passage exceedingly doubtful, the governor announced, through a representative of the publicity organization, that he would send an emergency message in aid of the measure if he was satisfied that in that event its passage would be assured. The courtesy and intelligent cooperation on the part not only of the governor, but of the attorney general and of the chairmen and members of the judiciary committees of the senate and assembly, greatly aided and

facilitated the work of the publicity organization, and it is a great pleasure to be able to take this opportunity to make some acknowledgment thereof.

Copies of the publicity bill have been prepared for distribution to members of the committee and others, and it is not therefore necessary to refer to the bill in full detail. It seems, however, fitting to embody in this report a brief summary of the essential features of the act.

SALIENT FEATURES OF THE PUBLICITY BILL.

In order to effect the fullest publicity in respect to the campaign contributions and expenditures of political committees as well as of candidates and individuals the bill provides:

Political committees (defined by sec. 200) shall have a treasurer, who must keep detailed accounts of all contributions and expenditures made or promised by such committees, its members, and all persons acting under their authority or in their behalf (sec. 203).

All officers, members, and agents of committees shall give to the treasurer of the committees for whom they are acting a detailed account of all contributions and expenditures made to or by them (sec. 204).

Written and detailed vouchers for all expenditures exceeding $10 must be obtained and preserved (sec. 205).

Every committee must within 15 days after an election file with the secretary a statement of its receipts and expenditures, or if its receipts or disbursements are in the aggregate less than $200, make oath to that effect (sec. 206).

No person shall make any contribution to a political committee in any name except his own, nor shall the committee knowingly enter any contribution in its records in any name other than that of the person by whom it is made (sec. 207).

The bill as one of its primary objects seeks to preserve the fullest freedom of action on the part of individuals as well as political committees.

In pursuance of this purpose the bill exempts from its provisions committees and organizations for the discussion or advancement of political questions or principles, having no direct connection with any election (sec. 200).

All persons, including candidates, are permitted to incur certain necessary personal expenditures for traveling, postage, etc., directly incurred and paid by them without being required to account therefor (sec. 202).

While a record of every contribution and expenditure received or made by political committees must be kept and produced for public inspection upon the summary inquest for which the bill provides, detailed written vouchers for payments of less than $10 in amounts are not required, on the ground that experience has shown that to require a written voucher for every payment, however small, would prove, in operation, so burdensome and impracticable as to discredit the bill (sec. 205).

Committees expending less than $200 are relieved from the burden of filing a detailed statement of contributions to and expenditures by them, but must make oath that they have not received or ex-

pended $200. Committees need not make in their reports itemized statements as to expenditures of petty sums, the limit being fixed at $10 (sec. 206).

The provisions of the bill are not applicable to elections of town or village officers in any town or village (sec. 221).

The ordinary conduct of newspapers and other publications is also not affected by the bill (sec. 221).

The feature of the bill which is of the utmost importance in providing for its practical enforcement is that making provision for a summary inquest into the facts relating to campaign contribution and expenditure upon the demand of a candidate or of any five voters.

While the provisions of the bill involve the least possible interference with the political activity of individuals and political committees, if legally and properly participating in and conducting political campaigns, a drastic procedure is provided for the detection and punishment of any evasion or violation of the law.

The supreme court, or any justice thereof, may, by order in proceedings for contempt, punish any persons or committee failing to comply with the law, on the written petition of the attorney general, district attorney, a candidate for office or any five qualified voters (secs. 210–211).

A proper undertaking must be filed to prevent the power of the court being invoked maliciously or without reasonable cause (sec. 212).

Upon such petition the supreme court or any judge thereof " must forthwith hold a summary inquest " to inquire into the circumstances relative to any such election and to any contribution or expenditure made in connection therewith (sec. 214).

Proceedings upon and investigation of the charges set forth in such petition shall be preferred in all courts (sec. 215).

Any court or justice holding such inquest may subpœna witnesses, whose attendance may be enforced in the same manner as if served in a criminal prosecution (sec. 217).

No person shall be excused from attending and testifying or from producing any books or documents upon such inquest on the ground that his testimony may tend to convict him of a crime (sec. 218).

The attorney general or district attorney, or some person designated by either or by the court or justice holding the inquest, shall attend and examine the witnesses, and the court is given power to compel the production of all books or papers or any other thing relevant and material to such inquiry, and to punish all persons refusing to appear or to give testimony as witnesses (sec. 219).

Any willful violation of the provisions of the bill shall be punishable by a fine not exceeding $1,000 or imprisonment for not more than one year (sec. 220).

EFFORTS MADE TO SECURE A NATIONAL PUBLICITY BILL.

The work of the State organization has been conducted in harmony with the purposes of the National Publicity Bill Organization, which seeks to not only obtain the passage of a Federal act, but to obtain the passage of publicity measures in the several States which will be supplemental to and in aid of the enforcement of the national act.

The organization, through its representative at Albany, will be in possession of the fullest information relative to the filing of the statements required by the publicity act, and the enforcement of its provisions in general, and will be glad to respond to any inquiries on the part of members of the organization and others addressed to J. Osgood Nichols, 580 Fifth Avenue.

Respectfully submitted.

FRANCIS L. STETSON,
J. OSGOOD NICHOLS,
EDWARD FEENEY,
Committee on Annual Report.

NOVEMBER 20, 1906.

[Senate Document No. 195, Fifty-ninth Congress, second session.]

REPORT OF NATIONAL PUBLICITY BILL ORGANIZATION.

Mr. Patterson presented the following first annual report of the National Publicity Bill Organization. January 8, 1907. Ordered to be printed.

WASHINGTON, *January 7, 1907.*

The National Publicity Bill Organization, formed in November, 1905, was the outcome of a growing recognition of the fact that political conditions had resulted in a great increase of unnecessary expenditures for political purposes in campaigns, and in a most unsatisfactory relationship of candidates and political committees to the public.

The abuses arising from secret political contributions had brought about a demand that the sources and objects of campaign contributions and expenditures should at least be revealed to public scrutiny, in order that their regulation and correction, if deemed necessary, should be made with the fullest knowledge of the actual conditions and evils involved.

Following the lead taken by New York in 1890, 17 States had passed measures securing in some degree the publicity of campaign funds. In the closing days of the presidential campaign of 1904 the question of campaign contributions had been made an issue of almost paramount interest. The governors of many of the States had urged that legislation should be adopted upon this subject. Public opinion demanded that campaign money should be regarded as public money.

While the national organization was thus the natural outcome of well-recognized conditions and a widespread movement for their correction, it was more immediately the outgrowth of the New York State Publicity Law Organization.

The State of New York, in 1890, enacted the first publicity law adopted in this country. It, however, limited the requirement of publicity to campaign expenditures made by candidates. The law was obviously ineffective and inadequate. It provided for no regulation whatever of expenditures by political committees. No individuals, except candidates, and no organizations or committees were required to make public their campaign expenses. There was no provision whatever for the publication of campaign contributions. Although Gov. Hill, in a special message, dated April 21, 1890, had

called attention to the defects of the existing measure and urged its amendment, no further effective effort was made to secure the amendment until 1905.

Following the publication in the February, 1905, number of the North American Review of an article on publicity of election contributions, in which attention was called to the defects of the New York act, the New York Publicity Law Organization was formed for the specific purpose of framing and securing the adoption of a publicity bill covering political committees as well as candidates. A bill drafted by the organization was presented to the New York State Legislature at the session of 1905, and was passed at the session of 1906, substantially in the form in which it was drafted by the New York Publicity Law Organization.

The New York organization, like the national organization, which is its outgrowth, proceeded upon the theory that the principle of publicity embodies the one remedy adequate to meet the demand of what has come to be deemed in the public mind an intolerable situation.

Upon this subject Mr. Belmont, while engaged in the work of forming the New York Publicity Organization, received numerous letters from William J. Bryan, Carl Schurz, Edward M. Shepard, Francis Lynde Stetson, Samuel Gompers, John E. Parsons, and others, in which primary importance was attached to the remedial principle of publicity.

Senator Gray wrote as follows:

> Corrupt practices acts have been largely unavailing and seemingly incapable of being enforced. Compelled publicity as to contributions and campaign expenses will be more efficient than all of them put together toward suppressing the evil of electoral corruption. It will work automatically and require no legal machinery of pains and penalties to enforce it. I mean that, when the publicity is once enforced, the beneficial results flow automatically without the intervention of penal legislation.

The national organization, like the New York State organization, has pursued the primary purpose of securing the publicity of campaign contributions and expenditures and has not sought to secure legislation for any other purpose, such as so-called corrupt-practices acts. These latter measures have no direct relation to the subject of publicity, but, as their title implies, are intended to prevent infractions of the election laws and to prevent practices deemed to injuriously affect the elective franchise. They are largely penal in character and seek to regulate the conduct of elections and the objects and amounts for which campaign funds may be lawfully disbursed.

The publicity organization, on the other hand, as its title implies, has no object other than that of securing full publicity of campaign contributions and expenditures, and the experience of the New York organization has demonstrated the wisdom of confining its activities strictly to the subject of publicity. When the bill drafted by the New York State Publicity Organization was introduced in 1905 there were incorporated with it certain provisions relating to the subject of corrupt practices, originally proposed by D. Cady Herrick and others interested in the subject of corrupt practices. But the consolidation of the two measures proved unfortunate, and the provisions relative to corrupt practices met with objections which seriously embarrassed the prospects of the publicity bill's passage, and they were

all stricken out in committee. The publicity bill as it finally passed the senate and was favorably reported by the assembly was consequently identically that proposed and drafted by the publicity committee.

Owing to an amendment of the bill by the assembly, which was immaterial, but which was so late in the session as to prevent the repassage of the amended bill in the senate, the passage of a publicity measure by the New York Legislature in the year 1905 was indeed impossible.

On the opening day of the session for the year 1906 the publicity organization caused to be introduced in both branches of the New York Legislature the publicity bill which it had drafted and presented at the preceding session. The bill related only to the subject of publicity. It was earnestly supported by the publicity organization and received careful consideration in committee and upon its public hearings, and with the exception of certain slight amendments it was finally passed and became a law substantially in the form in which it was drafted by the publicity organization.

Subsequent to the session of the New York State Legislature for the year 1905 an organization entitled "Association to Prevent Corrupt Practices at Elections" had been organized for the purpose of securing, as its title indicates, the prevention of corrupt practices in connection with elections. Its objects and efforts were entirely dissociated from the work of the publicity organization, and it had no part whatever in drafting or advocating the provisions of the publicty bill enacted into law by the New York State Legislature of 1906.

The publicity law was enacted as chapter 502 of the Laws of 1906 of the State of New York. Chapter 503 which follows and which is, as its title sufficiently indicates, "An act to amend the penal code in relation to crimes against the elective franchises," was one of the so-called "corrupt practices" measures which were proposed in 1906, from the Corrupt Practices Organization, and was, with the exception of a provision respecting judicial contributions, the only measure of the character which was enacted into law. It greatly extends the purposes for which money can be legally expended or contributed in connection with "public or primary elections." These purposes were restricted under the law as it existed before the enactment of chapter 503 to a very few specified objects, and the wisdom of the manner in which the scope of legalized expenditures has been so greatly enlarged by chapter 503 has been widely questioned. It is unfortunate therefore that "corrupt practices" legislation of this character should in any manner be confounded with or attributed to the work of the publicity organization.

The experience of the New York State Publicity Organization seems to clearly demonstrate the wisdom of confining the efforts of the national organization to the sole object of publicity. As to the necessity and expediency of the principle of publicity of campaign contributions and expenditures there is a substantial agreement among those most experienced and influential in the management of political campaigns, irrespective of party, and public opinion is practically unanimous in its support. On the other hand, a great variety of remedial provisions are advocated under the general description of corrupt-practices acts. In respect to these measures there is a great diversity of judgment and confusion of counsels. It was there-

fore deemed expedient to dissociate as far as possible the publicity bill advocated by the New York State Publicity Organization from the various provisions introduced in behalf of the Corrupt Practices Association, in order that the success of the publicity bill might not be jeopardized by association with measures which, while related to the general subject of elections, are not necessarily included in the scope or essential to the effectiveness of the publicity organization bill.

This full explanation is necessary to correct a somewhat general misapprehension as to the scope of the work of the publicity organization and to emphasize the wisdom of the policy which the association has heretofore pursued of not attempting to invade any other field of legislative activity than that of publicity.

With this end in view, the National Publicity Bill Organization was created in the fall of 1905 and proceeded at once to frame a bill based in certain respects upon that introduced by the New York organization in the legislature of that State.

Its first meeting was held at the New Willard Hotel, Washington, D. C., on Wednesday, January 17, 1906, at 11 a. m., in pursuance of the following call:

PUBLICITY BILL ORGANIZATION,
1301 SIXTEENTH STREET,
Washington, D. C., December 30, 1905.

DEAR SIR: In obedience to the request of a majority of the members I take pleasure in informing you that a meeting of the Publicity Bill Organization will be held at the New Willard Hotel, Washington, D. C., on Wednesday, January 17, 1906, at 11 a. m. Your attendance is earnestly desired.

Very truly, yours,

PERRY BELMONT, *Chairman.*

There was a well-attended and influential gathering, among those present being:

Gen. James H. Wilson, Wilmington, Del.
W. B. Thompson, Dover, Del.
Hon. D. L. W. Granger, M. C., Rhode Island.
Samuel Gompers, president American Federation of Labor.
Hon. Claude A. Swanson, governor-elect of Virginia.
Hon. Samuel W. McCall, M. C., Massachusetts.
Hon. W. E. Chandler, former United States Senator from New Hampshire.
Hon. Charles A. Towne, M. C., of New York, representing T. T. Hudson, member of Democratic national committee. Minnesota.
Norman E. Mack, of Buffalo, N. Y., a member of national Democratic committee.
Attorney General Julius Mayer, of New York.
J. G. Schurman, president Cornell University, New York.
Charles A. Hardiner, chairman of laws committee of the board of regents of New York State.
John T. Dunlap, of New York.
James Wilson, president of the Pattern Makers' National Union, New York.
Frank K. Foster, chairman of legislative committee of Massachusetts Federation of Labor, delegate of the American Federation of Labor to the British Trade-Union Congress.
Cromwell Gibbons, Jacksonville, Fla.
Hon. Hannis Taylor, Alabama, former minister to Spain.
Hon. John E. Lamb, Terre Haute, Ind.
Hon. John T. McGraw, Grafton, W. Va., member of Democratic national committee.
Hon. Alex. Troup, Connecticut.
Hon Charles S. Hamlin, Massachusetts.
Van L. Polk, Tennessee.
Hon. Urey Woodson member Democratic national committee, Owensboro, Ky.

Hon. Perry Belmont, of New York, in calling the meeting to order, explained the purpose of the organization, in part, as follows:

The bill of which copies have been placed in your hands has been introduced in the House by Representative McCall, of Massachusetts (H. R. 11642), and in the Senate by Senator Patterson, of Colorado, and is a measure of self-regulation and self-protection, an evolutionary development growing out of our own political system. It is a publicity bill, not a corrupt-practice bill. The English act of 1883 is a creditable piece of legislation, but it is only during the actual period of parliamentary elections its wholesome restrictions are effective upon candidates and their agents. Party funds are very large and are expended lavishly by party organizations and their adherents, political contributions taking the form of what is known as "subscriptions," made before a parliamentary candidacy is actually announced.

American politics are not more corrupt than the politics of other countries. The contrary is true. But we want them better still. The rapid strides in wealth, with all their benefits, have naturally created certain disadvantages. The great captains of industry have been induced or compelled, or they have permitted themselves on one pretext or another to endeavor to control political agencies and organizations by the use of money. The time has now come to check this growing tendency. Many who are active in political organizations unite in this conviction. Members of the national committees of the two dominant parties are enrolled in our organization. Their practical experience leads them to favor the form of publicity required by the proposed law. Organized labor is energetically demanding it. The presence of Mr. Gompers and other labor representatives is sufficient evidence of this fact.

National committees established by national conventions, not recognized by the Constitution, have grown from small and temporary agencies to permanent and powerful instrumentalities, receiving and spending vast sums in complete secrecy. The proposed law would not interfere directly or indirectly with the election laws of any State. Limited in its effect to the requirement of the publication of compaign contributions and expenditures by the national and congressional committees, it does not invade the rights and functions of any State political committee. The law would make campaign money public money.

With this brief reference to the bill, may I be permitted to call your attention to the representative character of this assemblage, adding new impetus to an already strong national movement? The influential representation from Delaware is especially encouraging, in view of conditions within its borders, as is the cooperation of Representative Granger, of Rhode Island, and the important labor enrollment from that State. Rhode Island, whose sons have so often and so brilliantly served their flag and country, will follow the example of Massachusetts and of Connecticut in an effective publicity law to rid herself of the dead weight of mere money domination.

Upon the motion of the Hon. William E. Chandler, a resolution, amended pursuant to suggestions made by Mr. Samuel Gompers and Gen. James H. Wilson, of Delaware, was adopted as follows:

Resolved, By the National Publicity Bill Organization, at its first meeting, at the New Willard Hotel, in Washington, on January 17, 1906, that the organization approve the action hitherto taken by Hon. Perry Belmont in originating this organization, in arousing public attention to the object to be promoted, and in preparing a bill for submission to Congress, and that the organization be now formally completed for the purpose of eliminating by all appropriate methods the evils which result from the expenditure of large sums of money in political elections, the object of the committee being to secure the passage of an act of Congress providing for publicity in the receipts and expenditures of the national committees of all political parties and to promote the formation of local organizations for eliminating such evils in the various States and Territories.

Resolved, That the chairman of this organization be authorized to appoint an executive committee, of which he shall be the head, and such other committees as he shall deem necessary to act for and in the name of the organization on all suitable occasions.

Resolved, That Perry Belmont be, and hereby is, elected permanent president of the organization.

Mr. Belmont took the chair as permanent presiding officer, and thanked the members for this mark of their appreciation, promising to do all he could to further the objects of the organization.

Mr. Samuel Gompers moved that the organization proceed to the election of a secretary, and nominated Mr. Frank K. Foster, of Massachusetts, chairman of the legislative committee of the Massachusetts Federation of Labor.

Mr. Foster was unanimously chosen, and took his place as secretary of the meeting.

A list of members forming the organization was presented and was read by the secretary, as follows:

LIST OF MEMBERS.

Joseph W. Folk, governor of Missouri.
J. Frank Hanley, governor of Indiana.
A. J. Montague, governor of Virginia.
A. B. Cummins, governor of Iowa.
N. C. Blanchard, governor of Louisiana.
Louis Warfield, governor of Maryland.
W. M. O. Dawson, governor of West Virginia.
William D. Jenks, governor of Alabama.
Samuel W. Pennypacker, governor of Pennsylvania.
George E. Chamberlain, governor of Oregon.
Claude A. Swanson, governor-elect of Virginia.
William J. Bryan, Nebraska.
Grover Cleveland, former President of the United States.
Alton B. Parker, former chief justice court of appeals, New York.
Frank H. Black, former governor of New York.
L. F. C. Garvin, former governor of Rhode Island.
Samuel Gompers, president American Federation of Labor, New York.
Charles W. Eliot, president Harvard University, Massachusetts.
Edward A. Alderman, president University of Virginia.
W. H. P. Faunce, president Brown University, Rhode Island.
Henry Hopkins, president Williams College, Massachusetts.
J. G. Schurman, president Cornell University, New York.
William Dew Hyde, president Bowdoin College, Maine.
Ira Remsen, president Johns Hopkins University, Maryland.
E. Benjamin Andrews, president Nebraska University.
George Harris, president Amherst College, Massachusetts.
M. W. Stryker, president Hamilton College, New York.
James A. Tate, president American University, Tennessee.
George L. Collie, president Beloit College, Wisconsin.
J. H. Kirkland, chancellor Vanderbilt University, Tennessee.
David S. Jordan, president Leland Stanford, Jr., University, California.
Charles H. Levermore, president Adelphi College, New York.
M. H. Chamberlain, president McKendree College, Lebanon, Ill.
Lorenzo J. Osborn, president Des Moines College, Iowa.
Stephen F. Weston, president Antioch College, Yellow Springs, Ohio.
Charles Noble Gregory, dean of law college, Iowa State University, Iowa City.
W. L. Ward, New York, member Republican national committee.
Norman E. Mack, New York, member Democratic national committee.
William E. Chandler, former Secretary of the Navy, New Hampshire.
James K. Jones, former chairman Democratic national committee, Arkansas.
John Wanamaker, former Postmaster General, Pennsylvania.
Oscar S. Straus, former minister to Turkey, New York.
Charles E. Hughes, governor of New York.
Julius M. Mayer, attorney general of New York.
Warner Miller, former United States Senator from New York.
John M. Thurston, former United States Senator from Nebraska.
William F. Vilas, former Postmaster General, Wisconsin.
Everett Colby, State senator-elect, New Jersey.
August Belmont, New York.
Melville E. Ingalls, Cincinnati, Ohio.

Judson E. Harmon, former United States Attorney General, Ohio.
John E. Lamb, former Member of Congress from Indiana.
J. W. Kern, former candidate for governor of Indiana.
T. M. Patterson, United States Senator from Colorado.
Clark Howell, member Democratic national committee from Georgia.
Carter H. Harrison, former mayor of Chicago.
Josiah Quincy, Boston, Mass.
Roger C. Sullivan, member Democratic national committee from Illinois.
Alexander Troup, New Haven, Conn.
Charles A. Gardiner, chairman law committee of the board of regents, New York State.
Andrew Carnegie, Pennsylvania.
John F. Dillon, former judge, New York.
John T. McGraw, member Democratic national committee from West Virginia.
D. L. D. Granger, Member of Congress from Rhode Island.
James H. Wilson, Wilmington, Del.
John G. Milburn, New York.
W. F. Harrity, former chairman Democratic national committee, Pennsylvania.
Henry Watterson, editor of Louisville Courier-Journal, Kentucky.
Melville E. Stone, New York.
W. B. Vandiver, superintendent of insurance, Missouri.
R. R. Kenny, member Democratic national committee from Delaware.
Edward Lauterbach, member of New York State board of regents.
J. J. Willett, former judge, Alabama.
John Ford, former State senator, New York.
Hermann Ridder, publisher Staatz-Zeitung, New York.
J. Hampden Robb, former State senator from New York.
D. N. Lockwood, Buffalo, N. Y.
George Haven Putnam, publisher, New York City.
Francis Lynde Stetson, New York City.
J. H. Clarke, Cleveland, Ohio.
B. B. Smalley, member Democratic national committee from Vermont.
R. B. Van Courtlandt, New York City.
William Sulzer, Member of Congress from New York.
Charles W. Knapp, St. Louis, Mo.
P. H. Quinn, member Democratic national committee from Rhode Island.
J. B. Sullivan, Des Moines, Iowa.
Charles S. Hamlin, Boston, Mass.
Eugene S. Ives, Tucson, Ariz.
Cromwell Gibbons, Jacksonville, Fla.
W. R. Nelson, Kansas City, Mo.
Frank K. Foster, Massachusetts Federation of Labor.
P. J. McCarthy, Providence, R. I.
P. S. Grosscup, United States circuit judge, Illinois.
James M. Lynch, president International Typographical Union, Indiana.
John Y. Terry, member Democratic national committee from State of Washington.
John W. Blodgett, member Republican national committee from Michigan.
J. M. Greene, member Republican national committee from South Dakota.
W. A. Coakley, general president International Lithographers and Press Feeders' Association, New York.
J. A. Springer, national organizer United Mine Workers, West Virginia.
Park Mitchell, former president New Hampshire State Federation of Labor.
Timothy Healy, president International Brotherhood of Stationary Firemen, New York.
John Nugent, president West Virginia State Federation of Labor.
William A. Gaston, member Democratic national committee from Massachusetts.
Hoke Smith, former Secretary of the Interior.
William J. Wallace, United States circuit judge, Albany, N. Y.
J. K. Richards, United States circuit judge, Cincinnati, Ohio.
Horace H. Lurton, United States circuit judge, Nashville, Tenn.
James G. Jenkins, United States circuit judge, Milwaukee, Wis.
L. E. McComas, judge court of appeals, Washington, D. C.
A. M. Stevenson, member Republican national committee, Denver, Colo.
Urey Woodson, member Democratic national committee, Owensboro, Ky.
H. S. Cummings, member Democratic national committee, Stamford, Conn.

T. E. Ryan, member Democratic national committee, Waukesha, Wis.
Frederick V. Holman, member Democratic national committee, Portland, Oreg.
T. T. Hudson, member Democratic national committee, Duluth, Minn.
Henry B. Thompson, former chairman Republican State committee, Wilmington, Del.
Henry T. Kent, St. Louis, Mo.
Martin Maginnis, president Soldiers' Home. Helena, Mont.
E. E. Clark, chief Order Railroad Conductors, Cedar Rapids, Iowa.
John T. Wilson, president of Maintenance of Way Employees, St. Louis, Mo.
Robert C. Houston, Georgetown, Del.
James Wilson, president National Pattern Makers' Union, New York.
Louis Wiley, New York.
Joseph Daniels, Raleigh, N. C.
Thomas C. McClellan, Albany, N. Y.
Hannis Taylor, Alabama, former minister to Spain.
D. R. Francis, St. Louis, Mo., former governor of Missouri.
Crammond Kennedy, Washington, D. C.
Perry Belmont, New York.

A discussion then followed of the publicity measure prepared by the New York publicity organization and then before the legislature of that State. In this connection Mr. Norman E. Mack, New York member Democratic national committee, said:

I do not know of any State in the Union that will stand more in favor of these resolutions than the State of New York. * * * The bill speaks for itself. * * * The State of New York will stand back of the measure almost unanimously. Any man either in the upper or lower house opposing or voting against this measure will be looked upon with great curiosity. * * * It was introduced again last Monday. I am inclined to think from what I heard the bill will pass in its present form, or nearly so. Personally, I am very much in favor of this measure you have under consideration. * * * As far as the State of New York is concerned, I think I am justified in stating that the sentiment is as strong in favor of the proposed legislation as in any other State in the Union. I have in my hand a list of labor organizers in the State of New York who have indorsed the publicity bill.

An interesting discussion then followed as to the provisions of the bill drafted by the National Publicity Organization and introduced in the Senate and House of Representatives, in which Mr. Schurmann, president of Cornell University; ex-Senator Chandler; Mr. Wilson, of Delaware; Mr. Granger, of Rhode Island; Representative Towne, of New York; Mr. Mack, of New York; Mr. Gibbons, of Florida; Representative Lamb, of Indiana; Mr. Thompson, of Delaware; Mr. McGraw, of West Virginia; Mr. Samuel Gompers, and Mr. Alexander Troup, of Connecticut, participated.

Mr. Gompers in the course of the discussion said:

I desire to state that I am very much interested in any species of legislation to arouse the public conscience against the evils resulting from the use and abuse of money in our elections. And of all the people who suffer from that cause there are none who feel it more acutely than do the wage earners of America, for, apart from our general interest as citizens of our common country, we also have special interests as wage earners who have emerged from old conditions of servitude to a full condition of enfranchisement and manhood, and who have too long been denied recognition of the rights accorded to all other people. The use of money, particularly to the extent it has been used in the last decade, has made it practically impossible for a wage earner to become a member of either State legislature or the Congress of the United States. I am sure that every one who knows me will acquit me of the thought that I have my own personality in view. As a matter of reminiscence I may mention that I have twice declined nominations to the State Legislature of New York which carried with them the certainty of election. But I do say that it is a strange commentary upon the course of affairs in our country that in the Congress of the United States there is not one man who has been elected as a wage earner. Only yesterday morning we saw in the public prints in the cable dis-

patches from the other side that 18 workingmen had been elected to the House of Commons.

A MEMBER. Twenty-six this morning.

Mr. GOMPERS. So much the better. I have not yet seen the morning papers. This in spite of the fact that members of the British Parliament receive neither fees nor salary, but the workingmen have gone down into their pockets and voluntarily contributed to the support of the men they elected, so they may live in the ordinary customary way that workingmen live generally. I do not attach great importance to legislation from Congress in affecting the economic conditions of the working people. I do not regard it as of paramount importance. But if we can obtain relief from onerous conditions, from old conceptions—if we can obtain absolute equality before the law, I think we shall ask but little more. We are interested with you and will do all we can to aid this movement. But may I request that when the chairman makes up his committees and appoints officers of the associatiton he will please not enumerate me as one of them? I do not know that he would do me that honor, but my onerous duties would not permit my acceptance. I give you my assurance, however, that I will use my best endeavors to make the purpose of this association a success.

The meeting then adjourned, having directed the appointment of a law committee and the publication of an address.

The address which was issued and the permanent organization which was formed pursuant to this action is as follows:

ADDRESS TO THE PUBLIC.

NATIONAL PUBLICITY BILL ORGANIZATION,
Washington, D. C., January 27, 1906.

For the purpose of eliminating by all appropriate methods the evils resulting from secret contributions and expenditures of large sums of money in elections, a meeting was held in the city of Washington, January 17, 1906; an association was formed, known as the National Publicity Bill Organization, and this address was authorized.

The secret and corrupt use of money in the election of the chief magistrate of a nation, its legislators, and its State and municipal officers is a dangerous menace to the institutions of a free people. The profligate use of money for such purposes enables the consolidated interests by secret contributions, to dominate political organizations, depriving the many of their political rights to confer them on the few.

It is confidently asserted that the first and most important measure of relief is the passage of a national law requiring the disclosure, under oath, of every contribution of money and every promise of money in national campaigns, and in case of evasion, providing for exposure, detention, and punishment, substantially as set forth in a bill prepared under the auspices of this organization.

This organization desires to promote the formation of similar organizations in every State of the Union, in order that the proposed national law may be supplemented by State legislation of like character and as nearly uniform as possible. This movement has the support of leading representative men of the political parties and of organized labor. It concerns the rights and honor of every citizen, and the approval and active cooperation of all are earnestly invoked to carry this reform to a successful conclusion.

PERRY BELMONT,
Of New York, President.
FRANK K. FOSTER,
Of Massachusetts, Secretary.

PERMANENT ORGANIZATION.

Perry Belmont, of New York, president.

Frank K. Foster, of Massachusetts, secretary.

Executive committee: Perry Belmont, of New York; William E. Chandler, of New Hampshire; J. G. Schurman, of New York; James H. Wilson, of Delaware; A. H. Stevenson, of Colorado; Norman E. Mack, of New York; John E. Lamb, of Indiana; Charles S. Hamlin, of Massachusetts; John H. Clarke, of Ohio; Charles W. Knapp, of Missouri; Alexander Troup, of Connecticut; W. R.

Nelson, of Missouri; Cromwell Gibbons, of Florida; John W. Blodgett, of Michigan; Frank K. Foster, of Massachusetts, delegate for the American Federation of Labor to the British Trade Union Congress; James H. Lynch, of Indiana, president of the International Typographical Union; James Wilson, of Pennsylvania, president of Pattern Makers' National League.

Law committee: Charles A. Gardiner, of New York; John T. McGraw, of West Virginia; Louis E. McComas, of Maryland; Crammond Kennedy, of Washington; Hannis Taylor, of Alabama.

The committees appointed pursuant to the action of the annual meeting have continued the work of the organization throughout the year, especially in connection with the advocacy of the bill prepared by the law committee of the national organization and introduced in both branches of Congress.

On March 12, 1906, a hearing was had before the Committee on Election of President, Vice President, and Representatives in Congress of the House of Representatives. At this hearing, which was protracted throughout the entire day, the subject of publicity was discussed with great elaboration. Hon. Samuel W. McCall, who had introduced the bill drafted by the National Publicity Organization, said in explanation of the proposed measure:

Mr. Chairman, this bill (H. R. 11642) is not a corrupt-practices act. The object of the bill is to require a publication of all expenditures for political purposes by national committees. It may at some time be well to supplement it by a corrupt-practices act, but a very distinct good can be accomplished by publicity. I apprehend that if it had been known during the last presidential campaign that the contributions of certain corporations to the political committees would become known, and would have to be returned under oath, that those contributions would not have been made. It goes on the theory that publicity is a great cure for many evils and especially for evils connected with the improper use of money.

Mr. Belmont then addressed the committee on behalf of the national organization, in part, as follows:

There are gentlemen present who have come from long distances to address you. I appear before you as the representative of the organization Mr. McCall has just described to you. Permit me to call your attention to its representative character. If you will turn to page 6 of the pamphlet, a copy of which has been placed before each member of your committee, you will notice that three candidates for the presidency are associated with us. There are only four presidential candidates now living of either of the two principal parties.

An ex-President (Mr. Cleveland), Mr. Bryan and Mr. Parker, former candidates for President, are members of the organization, and you will remember that the present incumbent of the presidential office has twice recommended to Congress this form of legislation. You will observe that there are governors of States of both parties in our list of members. There is Mr. Charles E. Hughes, whom you invited to be present here. There is also Mr. Colby, of New Jersey, who, like Mr. Hughes, is a Republican. There are Democrats like John W. Kern, former candidate for governor of Indiana; John E. Lamb, of Indiana; ex-members of Cabinets of both parties; presidents of universities; the president of the American Federation of Labor, Mr. Gompers, who is here this morning in behalf of the bill; and there are other leading representatives of organized labor. The secretary of the organization, Mr. Frank K. Foster, of Massachusetts, has been selected as the delegate of the American Federation of Labor to the British Trades Congress, to be held in September. If you will examine the list of its membership you will see I am justified in saying that it is a representative organization. We can enlarge it—we are enlarging it. Gen. Wilson, of Delaware, has just entered the room; he is also a member. I ask that I may be permitted to append the full list up to this date.

Mr. Belmont was followed by Mr. Robert E. Luce, for many years the chairman of the committee on election laws of the State legislature of Massachusetts, and who, from a very practical connection

with the drafting and operation of the publicity legislation of Massachusetts, was enabled to make a very interesting and valuable statement as to the successful operation of the Massachusetts act.

Mr. Gompers followed in advocacy of the bill.

The morning session was closed by a very interesting exposition of the intolerable situation in the State of Delaware, by Gen. James H. Wilson, of Wilmington, Del. He said, in part, as follows:

We feel very deeply in Delaware on this subject, and as I am here I shall avail myself of the opportunity to say that we have given our best help to framing this bill and the establishment of a public opinion that would back up this bill. * * * I have strenuously urged in the meetings connected with this bill that we should enlarge our theater of operations, that we should make it also the purpose of the national organization, which we represent here, to have a bill of a similar nature enacted in every State where a publicity and corrupt-practices act is not already in force.

Mr. Chandler in his remarks took occasion to emphasize the fact that the movement was limited in its character and based upon the plan that there should be State laws to supplement the national law. Brief portions of his full statement are as follows:

We appeal to the National Congress to pass a national law, which, it is not supposed, will be of great importance unless it is followed by legislation in the States—unless the States enact complementary and supplemental legislation—because the power of the United States to interfere with this subject in the States is either limited or it is not advisable at this time to exercise it.

What is the legislation which form such a point of view I do urge you to adopt? Simply this, that where there exists a national committee—and there will ordinarily be only two of each political party, one the national committee, appointed by its presidential convention, and the other the congressional committee, organized here in Washington to give special attention to the congressional elections throughout the States—where there are national committees, those persons who contribute to national elections shall contribute only to those committees, and the facts of their contributions shall be made public, and the expenditures by the committee shall be made public by having statements of contributions and expenditures filed with the Clerk of the National House of Representatives.

By a national committee is meant one which is organized for the purpose of influencing the elections of Congressmen or presidential electors in two or more States. The law does not interfere with the States at all. It does not undertake to lay down rules for a State committee.

Two things may be observed. First, if the political parties do not choose to have national committees of the kind I have described, then this bill has no effect whatever. Secondly, if the national committees collect money and pay it all to the State committees, this bill does not interfere with or make public the expenditures made by those State committees. That is the whole bill, and it most certainly contemplates that each State shall, in the exercise of its undoubted prerogative of controlling State committees, pass similar laws such as suit the State.

We do not wish you to feel that because you pass this law you are obliged to pass any other law. You may or may not pass other laws. For my own part I am not prepared to say that Congress ought to go further.

A full report of the hearings was printed by the House committee. It is much to be regretted that the bill was not acted on either by the Senate or the House.

The publicity bill (H. R. 11642), drafted by the national publicity organization, was introduced January 12 in the House of Representatives by Mr. McCall, and was referred to the Committee on Election of President, Vice President, and Representatives in Congress.

The same bill, introduced in the Senate on January 15, 1906, by Senator Patterson, of Colorado, is numbered S. 3251, and was referred to the Committee on the Judiciary.

Its most essential provisions, briefly stated, are:

That all contributions, payments, loans, advances, deposits, or promises of money made or expended by any person, firm, association, or corporation for the purpose of promoting the election or defeat in two or more States or Territories of candidates for the offices of Representative or Delegate to Congress, or presidential elector at any election at which Representatives or Delegates to Congress shall be voted for, shall be made only to an officer, member, or duly authorized agent of a political committee (section 1).

Section 2 defines the term "political committee" as any committee, association, or organization which shall in two or more of the States or Territories aid or promote the success or defeat of the election of candidates to the offices of Representative or Delegate to Congress or presidential elector at any election at which Representatives or Delegates shall be voted for. The provisions of the bill are thus extended to embrace the activities of the so-called national and congressional committees of the two great parties, while avoiding any interference with elections for State or local offices. The rights of the several States to fully control local elections are scrupulously conserved.

Candidates may, however, pay, in connection with elections to which the bill relates, their own personal expenses for traveling, writing, printing, preparing and circulating letters, etc., without being required to account therefor, providing such expenses are directly incurred and paid by them (section 3).

In section 4 it is provided that every political committee coming within the provisions of the act shall have a treasurer, who is required to keep detailed accounts of all sums received by or promised to the committee or its agents, and of all expenditures made by or in behalf of the committee.

Section 5 provides that every payment which is required to be accounted for by the act shall be vouched for by a receipted bill. And it is further required (sec. 6) that whoever, acting under the authority or in behalf of such committee, whether as a member or otherwise, receives any contributions, etc., shall account for the same.

Section 7 requires that where the disbursements of such committees shall exceed $1,000, a sworn statement, setting forth all the contributions, expenditures, etc., of the committee shall be filed with the Clerk of the House of Representatives within 30 days after the election to which they relate, and that such statement shall include the amount of every expenditure or disbursement exceeding $10, the name of the person or committee to whom it was paid, and the date thereof. All persons, corporations, etc., are forbidden to make contributions in any name except their own, and committees are forbidden to knowingly receive contributions unless the name of the person or committee by whom they are received is recorded (sec. 8).

Section 9 requires that statements made pursuant to the provisions of the bill shall be preserved for fifteen months for public inspection.

While the provisions of the bill involve the least possible interference with the political activity of individuals and committees participating in political campaigns, a summary procedure similar to that contained in the New York State publicity act and highly commended by Governor Hughes in his recent message, is provided for

the detection and punishment of any evasion or violation of the law by sections 10 to 16. These sections provide that any district or circuit court of the United States, or any judge thereof, may, by order, compel any person to comply with the act by filing a sufficient statement or otherwise upon the application of the Attorney General or the district attorney, or upon the petition of any candidate for the office of Representative, Delegate, or Presidential elector, or any 10 qualified voters. Provision is further made for the advancement of proceedings had pursuant to such petitions, and that where there be filed with any such petition a bond in the sum of $1,000. every such court or judge "must forthwith hold a summary inquest to inquire into such violations or failures to comply with the provisions of this act as may be alleged in any such petition, or into any other facts and circumstances relative to any such election." Any court or justice holding such inquest may subpœna witnesses and enforce their attendance. No person is excused from attending and testifying or from producing any books or documents upon such inquest upon the grounds that his testimony may convict him of crime.

Section 18 of the bill provides that violations of the provisions of the act shall be punishable as misdemeanors "by imprisonment for not more than one year or a fine of not exceeding $1,000, or both, at the discretion of the court."

In many details the measure follows the precedents established by the New York act, which, in operation, has met with a degree of success which has proved highly gratifying to those who have been instrumental in its enactment.

An examination of the statements of the contributions and expenditures of candidates and of organizations and committees, filed with the secretary of state at Albany pursuant to the provisions of the publicity law, discloses a very general compliance with the law.

The statements so filed are in practically every instance complete and satisfactory, and render possible for the first time in the history of campaigns in the State of New York a detailed and comprehensive knowledge of the sources, amounts, and objects of campaign contributions and expenditures. A single candidate for office stated that he personally expended the sum of $256,370, and in compliance with the law disclosed the details of that expenditure. Among other statements, filed in accordance with the requirements of the publicity law, was that the Republican State committee showing expenditures of $332,011; State Independence League, $232,856; Tammany, 35 assembly district committees, $125,535; judiciary nominators, $107,987; New York County Republican committee, $103,733; Democratic State committee, $79,397; New York County Democratic committee, $71,425; Kings County Democratic committee, $38,100; Kings County Republican committee, $35,485; Albany Democratic conference, $19,314; Prohibition State committee, $2,307; Municipal Ownership League of New York, $3,337; New York County Socialist committee, $9,045; Irish-American Municipal Union in New York, $4,270; Kings County Independence League, $12,527; Queens County Democratic committee, $10,836; Queens County Republican committee, $6,588; Monroe County Republican committee, $14,100; Monroe County Democratic committee, $4,950; Erie County Democratic committee, $14,000; Rensselaer County Democratic committee, $14,810; Onondaga County Republican committee, $17,798; Westchester County

Republican committee, $15,711; Orange County Republican committee, $5,500.

Among the contributors to these campaign funds, the extent of which was disclosed by the operation of the publicity law, several individuals made contributions as large as $20,000.

In general these statements which have been made pursuant to the New York publicity law have been regarded by the press and by the public as completely and sufficiently illuminative of the sources and general objects of the funds employed in the recent State election.

Gov. Hughes, a member of our organization, in his first message to the New York Legislature, says:

> There is no better way of putting an end to bribery and corruption than by compelling full publicity as to campaign expenditures, and this was the intent of the legislation last year. From the statement filed after the last election the public has learned of the large amounts that are needed for legitimate uses during a campaign, and party organizations have secured from their managers an account of the manner in which the money intrusted to them was spent. The value of this legislation is principally found in the means provided for the scrutiny of the statements filed, and the provision permitting private individuals to institute a legal inquiry for this purpose is a very important advance toward the desired end.

It is to be regretted that President Roosevelt omitted from his annual message this year the recommendation to be found in his annual message of 1905 and 1906 in favor of the passage of a law compelling the publicity of campaign contributions in presidential elections.

The New York State election which will occur two years hence must be held at the time of a presidential election, and the absence of a national publicity law would render it exceedingly difficult, if not impossible, to trace the origin and application of campaign funds contributed to and disbursed under the auspices of committees purporting to be national in character, but in reality active in influencing State as well as national elections.

The Federal courts have repeatedly declared that congressional and State elections held at the same time and place constitute one election, so that Congress, having power to inquire into the circumstances of the election of members of its own body, has equal authority to require the publicity of contributions and expenditures in connection with such election.

The object of the proposed publicity law of Congress is to require the publication of the contributions to and expenditures of national and congressional committees.

The recent New York experience proves that the efficiency of State publicity laws would be impaired by the absence of a national publicity law, and that a national publicity law is necessary to supplement the effectiveness of such State laws.

The national publicity organization proposes to continue its efforts at the present session of Congress to secure the adoption of a national publicity law, and urges its members and all other friends of the law to communicate their views and wishes to Senators and Representatives.

PERRY BELMONT,
New York, President.

FRANK K. FOSTER,
Massachusetts, Secretary.

NATIONAL DEMOCRATIC COMMITTEE,
Owensboro, Ky., April 12, 1907.

Hon. PERRY BELMONT,
President, National Publicity Bill Organization,
New York, N. Y.

DEAR MR. BELMONT: I am in receipt of your letter of March 30, notifying me of a meeting of the members of the National Publicity Bill Organization on the 16th instant. I regret very much that I will not be able to be present, although I expect to be in New York a few days later.

I need not assure you of my very hearty sympathy with this movement ever since you first proposed to me such an organization during the campaign of 1904. I congratulate you on the progress that has been made through the intelligent and persistent work of this organization, the credit of which I know is principally due to your own efforts.

With best wishes, believe me,
Very truly, yours, UREY WOODSON.

REPORT TO THE NATIONAL PUBLICITY LAW ORGANIZATION.

[The bill became a law of Congress June 25, 1910.]

REVIEW OF ITS PROGRESS TO ENACTMENT.

MARCH 9, 1911.

The passage of the national publicity bill by the Senate, June 25, 1910 (H. R. 2250), providing for publication after election of the receipts and expeditures of national and congressional political committees, followed its practically unanimous passage by the House, April 17, 1910, the House measure having included a requirement of publication before election. The House was compelled to recede from this feature in order to secure the passage of the bill in the Senate, and the association had to be satisfied, for the time being, with the enactment of the law in its present form. (U. S. Stats., vol. 36, ch. 392, Public, No. 274, p. 822, June 25, 1910.)

The movement for the publication of campaign contributions and expenditures of political committees began during the presidential campaign of 1904, and grew largely out of the acrimonious discussion then carried on between the presidential candidates of the two great parties. The need for national and State publicity of campaign contributions and expenditures was set forth in an article in the North American Review for February, 1905, by Mr. Belmont, which was made a Senate document on December 16, 1905 (Doc. No. 89, 59th Cong., 1st sess.). Publication of this article was followed by the organization of the National Publicity Law Association and by the Publicity Law Organization of the State of New York. The latter, after two years of effort at Albany, carried the proposed State law to enactment in 1906.

The National Publicity Law Association held its first meeting in Washington, January 17, 1906, and in its address to the public declared, among other things, in favor of the formation of similar organizations in every State of the Union in order that the proposed